

RESUBMITTAL

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		90-1206-01R		90-0702-01

For use by Office of Administrative Law (OAL) only

NOTICE	<p>1990 DEC -6 PM 2 20</p> <p>OFFICE OF ADMINISTRATIVE LAW ENDORSED APPROVED FOR FILING JAN 07 1991</p> <p>Office of Administrative Law REGULATIONS</p>
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FILED
In the office of the Secretary of State
of the State of California

JAN 07 1991
4:45 o'clock P.M.
MICHAEL J. EU, Secretary of State
Deputy Secretary of State

AGENCY	AGENCY FILE NUMBER (if any)
Department of Social Services	RDB #0188-02

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT See attached
	AMEND Division 6, Chapter 1, Section 80065
	REPEAL Division 6, Chapter 1, Section 80000(f)
TITLE(S) 22	

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☒ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

3/21/90 to 4/5/90 and 10/25/90 to 11/9/90

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☒ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☒ Effective other (Specify) 2/2/91: See Section 81000(c)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

6. CONTACT PERSON

Rosalie Clark, Chief, Regulations Development Bureau

TELEPHONE NUMBER

445-0313

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Linda S. McMahon

DATE

12-5-90

TYPED NAME AND TITLE OF SIGNATORY

Linda S. McMahon, Director

corrections per 1/7/91 telephone conversation w/ Jim Rhoads. BJA w/ confirming memo

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 7-90) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Sections Adopted:

Division 6, Chapter 1, Section 80001(a)(46); and Chapter 2, Sections 81000, 81001, 81009, 81010, 81018, 81022, 81024, 81027, 81031, 81042, 81051, 81061, 81064, 81064.1, 81065, 81066, 81068, 81068.1, 81068.2, 81068.3, 81068.4, 81068.5, 81069, 81070, 81072, 81075, 81076, 81078, 81079, 81080, 81087, 81087.2, 81087.3, and 81088.

Repeal Section 80000(f):

80000 GENERAL (Continued)

80000

(1) An existing facility licensed as a social rehabilitation facility shall be required by April 1, 1984 to choose one of the following licensing categories and to document the choice by completing and forwarding a form LIC 200 to the licensing agency. The facility shall be required to meet the requirements of the chosen category by July 1, 1984. Between January 1, 1984 and July 1, 1984 the facility shall comply with the requirements for rehabilitation facilities except for changes from the previous requirements regarding the types of clients to be served.

(1) Rehabilitation facility, as specified in this chapter and Chapter 7.

(2) Group home, as specified in this chapter and Chapter 5.

HANDBOOK BEGINS HERE

(A) Licensees who choose this option shall be required to serve only minors.

HANDBOOK ENDS HERE

(3) Adult Residential facility as specified in this chapter and Chapter 6.

HANDBOOK BEGINS HERE

(A) Licensees who choose this option shall be required to serve only adults and/or emancipated minors as specified in Section 88001(a)(1) and Civil Code Section 62.

HANDBOOK ENDS HERE

Authority Cited: Section 1530 and 1530.5, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501, 1502, 1502(a)(7), 1530 and 1531, Health and Safety Code.

Adopt Section 80001(a)(46), and renumber Section (46) through (50) to (47) through (51), respectively, to read:

80001 DEFINITIONS (Continued)

80001

(46) "Social Rehabilitation Facility" means any facility which provides 24-hour-a-day nonmedical care and supervision in a group setting to adults recovering from mental illness who temporarily need assistance, guidance or counseling.

~~(4647)~~ (Continued)

~~(4748)~~ (Continued)

~~(4849)~~ (Continued)

~~(4950)~~ (Continued)

~~(5051)~~ (Continued)

Authority Cited: Section 1502.2 and 1530, Health and Safety Code.

Reference: Sections 5453, 5458 and 11006.9, Welfare and Institutions Code; Sections 1501, 1502, 1502(a)(7), 1502.2, 1503, 1503.5, 1505, 1507, 1508, 1509, 1511, 1520, 1522, 1524, 1525, 1525.5, 1526, 1527, ~~1529~~, 1530, 1530.5, 1531, 1533, 1534, 1536.1, 1537, 1538.5, 1550, 1551 and 11834.11, Health and Safety Code.

Amend Section 80065(j)(1) to read:

80065 PERSONNEL REQUIREMENTS (Continued)

80065

(j) (Continued)

- (1) Such duties and tasks shall be specified in the client's needs and services plan as specified in Chapters 2, 4, 5 and 6.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501, 1502(a)(7), 1522, 1531 and 1562, Health and Safety Code; and Section 42001, Vehicle Code.

Adopt Chapter 2, et seq. (Social Rehabilitation Facilities) of Title 22, Division 6, Article 1., Section 81000 to read:

SOCIAL REHABILITATION FACILITIES

Article 1. GENERAL REQUIREMENTS AND DEFINITIONS

81000 GENERAL

81000

- (a) Social Rehabilitation Facilities, as defined in Section 80001(a)(46), shall be governed by the provisions specified in this chapter and in Chapter 1, General Licensing Requirements.
- (b) In addition to (a) above, Social Rehabilitation Facilities shall be governed by those provisions specified in Title 9, Subchapter 3, Article 3.5, Sections 531 through 535 of the California Code of Regulations.
- (c) California Code of Regulations Title 22, Division 6, Chapter 2 shall not be in effect until California Code of Regulations, Title 9, Subchapter 3, Article 3.5, Sections 531 through 535 are in effect.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501, and 1502(a)(7), Health and Safety Code.

Adopt Section 81001 to read:

81001 DEFINITIONS

81001

(a) In addition to Section 80001, the following shall apply:

- (1) "Certified" means a Social Rehabilitation program that has been certified by the Department of Mental Health as meeting the standards established for that program.
- (2) "Direct-Care Staff" means those persons who deliver direct care and supervision to the clients.
- (3) "Evict" or "eviction" means an involuntary relocation or removal of a client from the facility by the licensee.
- (4) "Long-Term Residential Treatment Program" means a program as defined in Welfare and Institutions Code, Section 5458(b).

HANDBOOK BEGINS HERE

(A) Welfare and Institutions Code Section 5458(b) provides:

"A long-term residential treatment program, with a full day treatment component as a part of the program, for persons who may require intensive support for as long as two or three years. This program shall be designed to provide a rehabilitation program for the so-called "chronic" patient who needs long-term support in order to develop independent living skills.

The clients in this program are to be those who would otherwise be living marginally in the community with little or no service support and who would return many times to the hospital for treatment. It also is to serve those who are referred to, and maintained in state hospitals or nursing homes because they require long-term, intensive support. This program is to go beyond maintenance to provide an active rehabilitation focus for these individuals.

The services in this program shall include, but not limited to, intensive diagnostic work, including learning disability assessment, full day treatment program with an active prevocational and vocational component, special education services, outreach to develop linkages with the general social service system, and

counseling to aid clients in developing the skills to move toward a less structured setting."

HANDBOOK ENDS HERE

- (5) "Mental Illness" means the mental condition of any adult who has been evaluated and referred for treatment for a mental disorder, as defined in Section 80001(a)(36).
- (6) "Needs and Services Plan" means a time-limited, goal oriented, written plan which identifies the specific needs of an individual client, including the items specified in Section 81068.2, and delineates those services necessary to meet the client's needs.
- (7) "On-Call Staff" means a staff person who is not on duty on the facility premises, but who can be contacted by the facility if an additional staff person is needed, and can be at the facility and on duty within 30 minutes.
- (8) "Program Director" means the person who has been designated the authority and responsibility by the licensee to oversee and carry out the overall treatment program and management of the facility.
- (9) "Program Type" means the type of program as defined in Sections 81001(a)(4), (10) and (12) that may be provided by a social rehabilitation facility.
- (10) "Short-Term Crisis Residential Program" means a program type as defined in Welfare and Institutions Code, Section 5458(a).

HANDBOOK BEGINS HERE

- (A) Welfare and Institutions Code Section 5458(a) provides:

"A program for a short-term crisis residential alternative to hospitalization for individuals experiencing an acute episode or crisis requiring temporary removal from their home environment. The program shall be available for admissions 24 hours a day, seven days a week. The primary focus of this program shall be on reduction of the crisis, on stabilization, and on a diagnostic assessment of the person's existing support system, including recommendations for referrals upon discharge.

The services in the program shall include, but not be limited to, provision for direct family work, connections to prevocational and vocational programs, and development of a support system, including income and treatment referrals. This program shall be designed for persons who would otherwise be referred to an inpatient unit, either locally or in the state hospital. This program shall place emphasis on stabilization and appropriate referral for further treatment or support services, or both."

HANDBOOK ENDS HERE

- (11) "Social Rehabilitation Facility" means any facility which provides 24-hour a day nonmedical care and supervision in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling.
- (12) "Transitional Residential Program" means a program type as defined in the Welfare and Institutions Code, Section 5458(c).

HANDBOOK BEGINS HERE

- (A) Welfare and Institutions Code Section 5458(c) provides:

"A transitional residential program designed for persons who are able to take part in programs in the general community, but who, without the support of counseling, as well as the therapeutic community, would be at risk of returning to the hospital. This program may employ a variety of staffing patterns and is for persons who may be expected to move toward a more independent living setting within approximately three months to one year. The clients shall be expected to play a major role in the functioning of the household, and shall be encouraged to accept increasing levels of responsibility, both in the residential community, and in the community as a whole. Residents are required to be involved in daytime activities outside of the house which are relevant to their personal goals and conducive to their achieving more self-sufficiency.

The services in this program include, but are not limited to, counseling and ongoing assessment, development of support systems in the community, a day program which encourages interaction between clients and the community-at-large, and an activity program that encourages socialization and utilization of general community resources."

HANDBOOK ENDS HERE

(13) "Treatment Program" means the services that are to be provided to the clients and are specific to the program type(s) certified by the Department of Mental Health.

(14) "Treatment/Rehabilitation Plan" means a plan as defined in California Code of Regulations, Title 9, Subchapter 3, Article 3.5, Section 532.2(c).

HANDBOOK BEGINS HERE

Refer to Section 81068.2(a)(3) for the definition of Treatment/Rehabilitation Plan.

HANDBOOK ENDS HERE

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

Adopt Article 2., Section 81009 to read:

Article 2. LICENSING

81009 POSTING OF LICENSE

81009

(a) The license shall be posted in a prominent, publicly accessible location in the facility.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

Adopt Section 81010 to read:

81010 LIMITATIONS ON CAPACITY AND AMBULATORY STATUS 81010

- (a) In addition to Section 80010, the following shall apply:
- (b) The total capacity of all program types certified for one facility shall not exceed the total licensed capacity of the facility.
- (c) The total licensed capacity of a Social Rehabilitation Facility shall not exceed 15, except as provided in (d) below.
- (d) A facility licensed as an Adult Residential Facility prior to the effective date of these regulations shall be allowed to apply for a Social Rehabilitation Facility license, at the same location, with a capacity equal to or less than that for which the facility is currently licensed.
 - (1) The licensing agency shall not deny an application solely because the requested capacity exceeds 15.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

Adopt Article 3., Section 81018 to read:

Article 3. APPLICATIONS PROCEDURES

81018 APPLICATION FOR LICENSE

81018

- (a) In addition to Section 80018, the following shall apply:
- (b) Each applicant shall submit to the Department an itemized financial plan of operation. The financial plan of operation shall consist of a financial statement listing the applicant's assets and liabilities and an anticipated budget, including operating income and costs.
 - (1) Liquid assets shall be available for start up funds sufficient to cover the first three months operating costs of the facility.
 - (A) The value of an existing contract with a County Mental Health Agency shall be included as a liquid asset.
- (c) The licensing agency shall have the authority to require written verification of the availability of the funds required in Subsection (b)(1) above.
- (d) Prior to licensure each applicant shall submit to the licensing agency evidence of current program certification, which shall be signed by an authorized representative of the Department of Mental Health.
 - (1) The certification document shall contain the following:
 - (A) Facility name and address;
 - (B) Program type(s);
 - (C) Capacity for each program type;
 - (D) Staff positions and qualifications;
 - (E) Staffing pattern and ratio; and
 - (F) Certification effective/expiration date.

(2) The facility shall notify the Department of Mental Health of any changes pertaining to Section 81018(d)(1).

(A) The licensee shall keep written evidence on file at the facility that the Department of Mental Health has received the notification.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

Adopt Section 81022 to read:

81022 PLAN OF OPERATION

81022

(a) In addition to Section 80022, the plan of operation shall include:

- (1) A statement that specifies the maximum length of treatment for the clients, which shall not exceed 18 months.
- (2) Written evidence of arrangements for any consultants and community resources which are to be utilized in the facility's plan of operation or to meet regulatory requirements.
- (3) Provisions for ensuring that food service requirements (Sections 80076 and 81076) and building and grounds requirements (Sections 80087 and 81087) shall continue to be met when the clients are unable or unwilling to perform these functions as a part of their treatment plans.
- (4) A written plan for the supervision and training of staff as required by Section 81065(f).
- (5) A written staff continuing education plan which meets the requirements of Section 81065(g).
- (6) A written plan for managing client psychiatric crises, including procedures for facility staff intervention and for securing assistance from local psychiatric emergency response agencies.
- (7) A current, valid program certification by the Department of Mental Health.
 - (A) The certification document shall contain the information required in Section 81018.

(b) In addition to Subsection (a) above, any facility with a certified Long-Term Residential Treatment Program shall submit the following information to the licensing agency:

- (1) The treatment program which shall include those services specified in Section 81001(a)(4).

(c) In addition to Subsection (a) above, any facility with a certified Short-Term Crisis Residential Program shall submit the following information to the licensing agency:

(1) The treatment program which shall include those services specified in Section 81001(a)(10).

(d) In addition to Subsection (a) above, any facility with a certified Transitional Residential Program shall submit the following information to the licensing agency:

(1) The treatment program which shall include those services specified in Section 81001(a)(12).

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

Adopt Section 81024 to read:

81024 WAIVERS AND EXCEPTIONS

81024

- (a) In addition to Section 80024, the following shall apply:
- (b) The Department shall notify the Department of Mental Health of all waiver and exception requests.
 - (1) A copy of the approval or denial shall be sent to the Department of Mental Health.
- (c) Within 30 days of receipt of a request for a waiver or an exception, the licensing agency shall notify the applicant or licensee in writing of one of the following:
 - (1) The request with substantiating evidence has been received and accepted for consideration.
 - (2) The request is deficient, describing additional information required for the request to be acceptable and a time frame for submitting this information.
 - (A) Failure of the applicant or licensee to comply within the time specified shall result in denial of the request.
- (d) Within 30 days of receipt of an acceptable request for a waiver or exception, the licensing agency shall notify the applicant or licensee in writing whether the request has been approved or denied.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code; and Section 15376, Government Code.

Adopt Section 81027 to read:

81027 INITIAL APPLICATION REVIEW

81027

- (a) Notwithstanding Section 80027, the following shall apply:
- (b) Within 90 days of receipt of the application by the licensing agency, the licensing agency shall give written notice to the applicant of one of the following:
 - (1) The application is complete.
 - (2) The application is deficient, describing what documents are outstanding and/or inadequate, and informing the applicant that the information must be submitted within 30 days of the date of the notice.
- (c) If the applicant does not submit the requested information within the 30 days specified in (b)(2) above, the application shall be deemed withdrawn provided that the licensing agency has not denied or taken action to deny the application.
 - (1) The requirement in (c) above shall not apply to facilities under construction.
- (d) The licensing agency shall cease review of any application as specified in Section 1520.3 of the Health and Safety Code.

HANDBOOK BEGINS HERE

- (1) Health and Safety Code Section 1520.3 provides in part:

If an application for a license or special permit indicates, or the state department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), 2 (commencing with Section 1250), 3.3 (commencing with Section 1569), 3.4 (commencing with Section 1596.70), 3.5 (commencing with Section 1596.90), or 3.6 (commencing with Section 1597.30) and such prior license was revoked within the preceding two years, the following provisions shall apply:

- (A) The licensing agency shall cease review of the application.

- (B) Application review shall not recommence until two years have elapsed from the date of such revocation.
- (C) Such cessation of review shall not constitute denial of the application.
- (e) The licensing agency shall complete the following as part of the application review process:
 - (1) A site visit to the proposed facility and a determination of the qualifications of the applicant.
 - (2) A determination that the applicant has secured an appropriate fire clearance from the State Fire Marshal, if required.
 - (3) A determination that the applicant has the ability to comply with the provisions of the Community Care Facilities Act and the regulations in this division as specified in Health and Safety Code Section 1520.
 - (4) A determination that the facility complies with the provisions of the Community Care Facilities Act and the regulations in this division.

HANDBOOK ENDS HERE

Authority Cited: Section 1530, Health and Safety Code.

Reference: Section 1520.3, Health and Safety Code and
Section 15376, Government Code.

Adopt Section 81031 to read:

81031 ISSUANCE OF LICENSE

81031

- (a) In addition to Section 80031, the following shall apply:
- (b) Within 90 days of the date that a completed application, as defined in Section 80001(a)(16), has been received, the licensing agency shall give written notice to the applicant of one of the following:
 - (1) The application has been approved.
 - (2) The application has been denied.
 - (A) The notice of denial shall include the information specified in Section 80040.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Section 15376, Government Code.

Adopt Article 4., Section 81042 to read:

Article 4. ADMINISTRATIVE ACTIONS

81042 REVOCATION OR SUSPENSION OF LICENSE

81042

- (a) In addition to Section 80042, the following shall apply:
- (b) The Department shall initiate revocation action against the license of a Social Rehabilitation Facility when it is found that the program certification has been withdrawn by the Department of Mental Health.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

Adopt Article 5., Section 81051 to read:

Article 5. ENFORCEMENT PROVISIONS (Reserved)

81051 SERIOUS DEFICIENCIES (Reserved)

81051

~~(a) (Reserved)~~

HANDBOOK BEGINS HERE

(a) In addition to Section 80051, the following are examples of regulations which, if not complied with, nearly always result in a serious deficiency.

- (1) Sections 81068.4(a)(1) and (2) and Section 81075(c) relating to persons with communicable diseases and persons requiring inpatient health care.

HANDBOOK ENDS HERE

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Section 1501 and 1502(a)(7), Health and Safety Code.

Adopt Article 6., Section 81061 to read:

Article 6. CONTINUING REQUIREMENTS

81061 REPORTING REQUIREMENTS

81061

- (a) In addition to Section 80061, the following shall apply:
- (b) The licensee shall notify the licensing agency, in writing, within 10 working days of a change of administrator or program director. Such notification shall include the following:
- (1) Name, residence and mailing address of the new administrator/program director.
 - (2) Date he/she assumed his/her position.
 - (3) Description of his/her background and qualifications, including documentation of required education and related experience.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

Adopt Section 81064 to read:

81064 ADMINISTRATOR QUALIFICATIONS AND DUTIES

81064

(a) In addition to Section 80064, the following shall apply:

(b) All Social Rehabilitation Facilities shall have an administrator.

(c) The administrator shall have the following qualifications prior to employment:

(1) One year of full-time work experience in a management or administrative position and,

(2) Completion, with a passing grade, of 15 college or continuing education semester or equivalent quarter units, of which 9 units which shall be in administration and/or management.

(A) Three years of full-time work experience in a management or administrative position may be substituted to meet the requirement of (2) above.

(d) The administrator of the facility shall be responsible for the following:

(1) Communication with the licensee concerning the administrative operations of the facility.

(2) Development of an administrative plan and procedures to define lines of responsibility, workloads, and staff supervision.

(3) Recruitment, employment, and training of qualified staff, and termination of staff.

(e) Any person designated as an administrator shall be required to complete at least 20-clock-hours of continuing education per year in areas relating to mental health and the care of the mentally ill, and/or administration.

(f) Persons employed as the administrator in an Adult Residential Facility serving clients who meet the definition of "mental illness" as contained in Section 81001(a)(5) as of the effective date of this section, shall not be required to meet the education/experience requirements specified in (c) above.

- (g) If the administrator is also the program director, he/she shall also meet the requirements of the program director set forth in California Code of Regulations, Title 9, Subchapter 3, Article 3.5, Sections 532.6(f), (g), and (i).

HANDBOOK BEGINS HERE

- (1) Refer to Section 81064.1(d)(1) for qualifications of a director.

HANDBOOK ENDS HERE

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

Adopt Section 81064.1 to read:

81064.1 PROGRAM DIRECTOR QUALIFICATIONS AND DUTIES

81064.1

- (a) All Social Rehabilitation Facilities shall have a program director.
- (b) The program director shall be on the premises the number of hours necessary to manage and administer the treatment program of the facility in compliance with California Code of Regulations, Title 9, Subchapter 3, Article 3.5, Sections 531 through 535 and Title 22, Division 6, Chapter 2, Sections 81001(a)(4), (10) and (12).
- (c) When the program director is temporarily absent from the facility, there shall be coverage by a substitute program director designated in writing by the licensee.
 - (1) If the absence is for more than 14 consecutive calendar days, excluding emergency leave, sick leave or vacation of the program director, the designated substitute shall meet the qualifications of a program director set forth by the Department of Mental Health.
- (d) The program director shall meet the minimum qualifications set forth in California Code of Regulations, Title 9, Subchapter 3, Article 3.5, Sections 532.6(f), (g), and (i).

HANDBOOK BEGINS HERE

- (1) Title 9, California Code of Regulations, Sections 532.6(f), (g), and (i) provide in part:

The program director of a certified Short-Term Crisis Residential Treatment Program shall have a bachelor's degree in psychology, social work or any other major which includes at least 24 semester college units in one or more of the following subject areas: psychology, social work, sociology, behavioral sciences, psychiatric nursing, and two years of full-time work experience in a community program that serves clients who have a mental illness. Such experience must be in direct provision of services to clients, of which one year must be supervising direct care staff. Four years of experience, one of which must be supervising direct care staff, and graduation from high school or possession of a GED may be substituted for the education/ experience requirements.

The program director of a certified Transitional or Long-Term Residential Treatment Program shall have a bachelor's degree in psychology, social work or any other major which includes at least 24 semester college units in one or more of the following subject areas: psychology, social work, sociology, behavioral sciences, psychiatric nursing, and one year full-time work experience in a community program that serves clients who have a mental illness. Such experience must be in direct provision of services to clients, of which four months must be supervising direct care staff. Three years of experience of which six months must be supervising direct care staff and graduation from high school or possession of a GED may be substituted for the education/experience requirements.

Program directors of social rehabilitation programs as of the date that this section is adopted shall be considered as meeting all the requirements of this section until two (2) years after the effective date of this section, at which time the requirements of this section must be met in full.

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(e) The program director shall ensure the following:

- (1) Communication with the licensee concerning the operation of the facility.
- (2) Provision of the services identified in each client's individual needs and services plan or required by California Code of Regulations, Title 9, Subchapter 3, Article 3.5, Sections 531 through 535 or Title 22, Division 6, Chapters 1 and 2.
- (3) Arrangements for clients to attend available community programs, when clients have needs, identified in the needs and services plan, which cannot be met by the facility but can be met by community programs.
 - (A) Such arrangements shall include, but not be limited to, arranging for transportation.
 - (1) This requirement does not exempt the licensee from providing transportation when public transportation is not practical or when the client is unable to use public transit.

- (4) Arrangements for special provision of services to clients with disabilities including visual and auditory deficiencies.

HANDBOOK BEGINS HERE

- (A) Such provisions may include additional staff, safety and emergency information printed in braille, and lights to alert the deaf to emergencies.

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- (5) Development of an employee work schedule as required in Section 81066(b).

- (6) Provision of staff support to clients in the planning, preparing, and serving of meals.

- (A) If clients are unable to plan, prepare, and serve meals, the program director shall initiate and carry out the program plan pursuant to Section 81022(a)(3) to ensure the requirements of Sections 80076 and 81076 are met.

- (7) Provision of staff support to clients in performing facility maintenance and/or cleaning activities as designated in the client's treatment/rehabilitation plan.

- (A) If clients are unable to perform facility maintenance and/or cleaning activities, the program director shall initiate and carry out the plan developed pursuant to Section 81022(a)(3) to ensure the requirements of Section 80087(a) are met.

- (f) Any person designated as a program director shall be required to complete at least 20-clock-hours of continuing education per year in areas relating to mental health and the care of the mentally ill, and/or administration.

- (g) If the program director is also the administrator, he/she shall also meet the requirements of the administrator set forth in Section 81064(c).

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

Adopt Section 81065 to read:

81065 PERSONNEL REQUIREMENTS

81065

- (a) In addition to Section 80065, the following shall apply:
- (b) All direct care staff shall meet the minimum qualifications as set forth in California Code of Regulations, Title 9, Subchapter 3, Article 3.5, Sections 532.6(h) and (i).

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- (1) Title 9, California Code of Regulations, Sections 532.6(h) and (i) provide in part:

All direct care staff shall have a minimum of one year of full-time experience, or its part-time equivalent, working in a program serving persons with mental disabilities. Such experience shall be in direct services to clients. They must also have graduated from high school or possess a GED.

Program directors and all direct care staff of social rehabilitation programs as of the date that this section is adopted shall be considered as meeting all the requirements of this section until two (2) years after the effective date of this section, at which time the requirements of this section must be met in full.

HANDBOOK ENDS HERE

- (c) The licensee shall ensure that sufficient direct care staff are at the facility whenever clients are present.
- (1) There shall be at least one direct care staff person on duty, on the premises, any time clients are in the facility.
 - (A) Any time there is only one direct care staff person on duty on the premises, another direct care staff person shall be on call and capable of responding within 30 minutes.
- (2) Short Term Crisis Residential Programs shall have at least two direct care staff persons on duty, on the premises, any time clients are in the facility.
- (3) All facilities shall employ staff and have staffing patterns and ratios as indicated on the facility certification document.

- (A) The facility shall notify the Department of Mental Health when staff qualifications, positions or staffing patterns change.
- (d) The licensee shall hire support staff as necessary to perform office work, and maintenance of buildings, equipment, and grounds.
- (e) The licensee shall ensure that a direct service to a client shall be provided by a person with the appropriate license or certificate when required by law.
- (f) The licensee shall develop, maintain, and implement a written plan for the orientation, continuing education, on-the-job training, supervision, and evaluation of all direct care staff.
- (g) All direct care staff shall receive a minimum of 20-clock-hours of continuing education per year, which shall provide the staff with the knowledge and skills as appropriate to their job assignment.
 - (1) The continuing education may include such topics as the following:
 - (A) Basic knowledge of mental disorders;
 - (B) Counseling skills, including individual, group, vocational and job counseling skills;
 - (C) Crisis management;
 - (D) Development and updating of needs and services plan;
 - (E) Discharge planning;
 - (F) Medications, including possible side effects and signs of overmedicating;
 - (G) Knowledge of community services and resources; and
 - (H) Principles of good nutrition, proper food preparation and storage, and menu planning.

- (2) The licensee shall document the number of hours of continuing education completed each year by direct care staff.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501, 1502(a)(7) and 1562 Health and Safety Code.

Adopt Section 81066 to read:

81066 PERSONNEL RECORDS

81066

- (a) In addition to Section 80066, the following shall apply:
- (b) An employee work schedule shall be developed at least monthly, shall be displayed conveniently for employee reference, and shall contain the following information for each employee:
 - (1) Name;
 - (2) Job title;
 - (3) Dates, days and hours of work; and
 - (4) Days off.
- (c) Staff training as required by Section 81065(g) shall be documented. Documentation shall include the subject of the training, who conducted the training, and the date(s) of the training.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

Adopt Section 81068 to read:

81068 ADMISSION AGREEMENTS

81068

(a) In addition to Section 80068, the following shall apply:

(b) The admission agreement shall specify the following:

- (1) Facility policies which are intended to ensure that no client, in the exercise of his/her personal rights, infringes upon the personal rights of any other client.
- (2) Those actions, circumstances, or conditions which may result in the client's eviction from the facility as specified in Section 81068.5.
- (3) An indication whether the client is either receiving or eligible for Short/Doyle payments pursuant to Welfare and Institutions Code Sections 5700 through 5750.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453, 5458, and 5713.1, Welfare and Institutions Code; Sections 1501 and 1507(a)(7), Health and Safety Code.

Adopt Section 81068.1 to read:

81068.1 ADMISSION PROCEDURE

81068.1

- (a) The licensee shall develop, maintain, and implement admission procedures which shall meet the requirements specified in this section.
- (b) No client shall be admitted prior to a determination of the facility's ability to meet the needs of the client, which shall include an appraisal of his/her individual service needs as specified in Section 81068.2.
- (c) Prior to accepting a client for treatment, the program director or an experienced staff person who has received training in developing a needs and services plan shall:
 - (1) Interview the prospective client, and his/her authorized representative, if any.
 - (A) The interview shall provide the prospective client with information about the facility, including the information contained in the Admission Agreement and any additional policies and procedures, house rules, and activities.
 - (2) Obtain and review documents as specified in Sections 81068.2(a)(1) and (2).
 - (A) This information may not be readily available for clients accepted in a short-term residential crisis program. If this information is not available at the time of admission, this fact must be documented in the client's file. This information must be obtained within three days of admission to the program.
- (d) The facility shall obtain the medical assessment, performed as specified in Section 80069.

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- (1) See Section 81069 for requirement exceptions.

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- (e) If terms of admission are mutually agreeable, the facility shall obtain the signature of the client, or his/her authorized representative, if any, on the Admission Agreement.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

Adopt Section 81068.2 to read:

81068.2 NEEDS AND SERVICES PLAN

81068.2

(a) The needs and services plan shall include:

- (1) A written assessment as required in California Code of Regulations, Title 9, Subchapter 3, Article 3.5, Section 532.2(b).

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- (A) Title 9, California Code of Regulations, Section 532.2(b) provides:

"There shall be a written assessment of each client on admission which includes at least:

- (1) Health and psychiatric histories;
- (2) Psycho-social skills;
- (3) Social support skills;
- (4) Current psychological, educational, vocational, and other functional limitations;
- (5) Medical needs, as reported; and
- (6) Meal planning, shopping, and budgeting skills."

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- (2) Any needs appraisal or individual program plan completed by a placement agency or consultant.

- (3) A written treatment/rehabilitation plan as required by California Code of Regulations, Title 9, Subchapter 3, Article 3.5, Section 532.2(c).

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- (A) Title 9, California Code of Regulations, Section 532.2(c) provides:

The program and client shall together develop a written treatment/rehabilitation plan specifying goals and objectives and the staff and client's responsibilities for their achievement. Clients shall be involved in an ongoing review of progress towards reaching established goals and be involved in the planning and evaluation of their treatment goals. The plan shall contain at least the following elements:

- (1) Statement of specific treatment needs and goals.
- (2) Description of specific services to address identified treatment needs.
- (3) Documentation of reviews by staff and client of the treatment/rehabilitation plan adhering to the following schedule:
 - (A) Short-Term Crisis Residential Treatment Program: at least weekly.
 - (B) Transitional Residential Treatment Program: at least once every 30 days.
 - (C) Long-Term Residential Treatment Program: at least once every 60 days.
- (4) Anticipated length of stay needed to accomplish identified goals, and methods to evaluate the achievement of these goals.

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Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

Adopt Section 81068.3 to read:

81068.3 MODIFICATIONS TO NEEDS AND SERVICES PLAN

81068.3

- (a) The program director or an experienced staff person who has been trained in the development and modification of a needs and services plan shall, with the client's participation, update the needs and services plan specified in Section 81068.2.
- (b) The program director or staff person specified in (a) above shall, with the client's participation, review the treatment/rehabilitation plan according to the schedule set forth in California Code of Regulations, Title 9, Subchapter 3, Article 3.5, Section 532.2(c)(3).

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- (1) California Code of Regulations, Title 9, Subchapter 3, Article 3.5, Section 532.2(c)(3) provides in part:

Reviews by staff and client of the treatment/rehabilitation plan adhering to the following schedule:

Short-Term Crisis Residential Treatment Program: at least weekly.

Transitional Residential Treatment Program: at least once every 30 days.

Long-term Residential Treatment Program: at least once every 60 days.

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- (c) The program director shall ensure that the updated needs and services plan includes documentation of all changes in the client's physical, .. mental, emotional, and social functioning.
- (1) The program director shall ensure that all changes are considered when modifying the needs and services plan.
- (2) The program director shall ensure that all changes are brought to the attention of the client's physician, mental health professional, or authorized representative, if any.

(d) If modifications to the plan identify an individual client need which is not being met by the program of services, the following requirements shall apply:

(1) The program director shall secure consultation from a dietitian, physician, social worker, psychologist, or other consultant as necessary to assist in determining if such needs can be met by the facility within the facility's program of services.

(2) If it is determined that the needs can be met, the program director, in conjunction with the consultant, shall develop and maintain in the facility a written services plan which shall include the following:

(A) Objectives, within a time frame, which relate to the client's problems and/or needs;

(B) Plans for meeting the objectives;

(C) Identification of any individuals or agencies responsible for implementing and evaluating each part of the plan; and

(D) Method of evaluating progress.

(3) If it is determined that the needs cannot be met, the licensee shall bring this fact to the attention of the client and/or his/her authorized representative or mental health professional, if any, and request that the client relocate.

(A) If the client refuses to relocate, the licensee shall be permitted to evict the client in accordance with Section 81068.5.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

Adopt Section 81068.4 to read:

81068.4 ACCEPTANCE AND RETENTION LIMITATIONS

81068.4

(a) The licensee shall not accept or retain the following:

- (1) Persons with active communicable tuberculosis.
- (2) Persons who require inpatient care in a health facility.
- (3) Persons who have needs which are in conflict with other clients or the program of services offered.
- (4) Persons who require more care and supervision than is provided by the facility.

(b) A client's length of stay shall not exceed 18 months.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

Adopt Section 81068.5 to read:

81068.5 EVICTION PROCEDURES

81068.5

(a) The licensee shall be permitted to evict a client with 30 days' written notice for any of the following reasons:

- (1) Nonpayment of the rate for basic services within ten days of the due date.
- (2) Failure of the client to comply with the provisions of the Admission Agreement.
- (3) Failure of the client to participate in the services and activities specified in the treatment/rehabilitation plan to the extent of his/her ability.
- (4) A needs and services plan modification has been performed, as specified in Section 81068.3, which determined that the client's needs cannot be met by the facility and the client has been given an opportunity to relocate as specified in Section 81068.3(d)(3).
- (5) The program or facility type has changed and the client is no longer compatible with the population to be served.

(b) The licensee shall be permitted to evict a client with three days' prior written notice if the client has engaged in behavior since being admitted to the facility which is a threat to the mental health or physical safety of the client or other clients and the following requirement is met:

- (1) The licensee has received prior written and/or has documented telephone approval for the ^{notice of}eviction from the licensing agency.

(A) The licensing agency shall approve or deny the request within two working days of receipt.

- (c) The licensee shall set forth in the notice the reasons for the eviction, with specific facts including the date, place, witnesses, and circumstances.
- (d) The licensee shall, upon providing the client with notification of eviction as specified in (a) or (b) above, mail a copy of the eviction notice to the client's mental health professional and/or authorized representative, if any.
- (e) The licensee shall send to the licensing agency a copy of the 30-day written notice in accordance with (a) above within five days of giving the notice to the client.
- (f) Nothing in this section is intended to preclude the licensee or client from invoking other remedies when eviction is not appropriate.

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- (1) Such remedies include voluntary relocation, relocation by the client's authorized representative, hospitalization for mental or physical conditions, and arrest.

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Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

Adopt Section 81069 to read:

81069 CLIENT MEDICAL ASSESSMENTS

81069

(a) Notwithstanding Section 80069(a), the licensee must obtain a medical assessment prior to or within 3 days following acceptance of a client into a short-term crisis program.

(1) Assessments completed by a referring medical or mental health agency may be accepted by the facility; however, the licensee must ensure all information required in Section 80069(b) is either contained in the assessment or is obtained by the licensee within three days following acceptance of a client.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and
Institutions Code; Sections 1501 and
1502(a)(7), Health and Safety Code.

Adopt Section 81070 to read:

81070 CLIENT RECORDS

81070

- (a) In addition to Section 80070, the following shall apply.
- (b) Each client record shall contain the following information:
 - (1) Last known address.
 - (2) Religious preference, and name and address of clergyman or religious advisor, if any.
 - (3) Needs and services plan and any modifications thereto, as specified in Sections 81068.2 and 81068.3.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

Adopt Section 81072 to read:

81072 PERSONAL RIGHTS

81072

(a) In addition to Section 80072, the following shall apply:

(b) The licensee shall insure that each client is accorded the following personal rights:

(1) To visit the facility with his/her relatives, mental health professional or authorized representative prior to admission.

(2) To have the facility inform his/her relative, mental health professional, or authorized representative, if any, of activities related to his/her care and supervision, including but not limited to notification of any modifications to the needs and services plan.

 (A) This may only be done with prior written permission from the client.

(3) To have communications to the facility from his/her relatives, mental health professional, or authorized representative answered promptly and completely.

(4) To have visitors, including advocacy representatives, visit privately during waking hours, provided that such visitations do not infringe upon the rights of other clients.

(5) To wear his/her own clothes.

(6) To possess and use his/her own personal items, including his/her own toilet articles.

(7) To possess and control his/her own cash resources.

(8) To have access to individual storage space for his/her private use.

(9) To have access to telephones in order to make and receive confidential calls, provided that such calls do not infringe upon the rights of other clients and do not restrict availability of the telephone during emergencies.

 (A) The licensee shall be permitted to require reimbursement from the client or his/her authorized representative for long distance calls.

(B) The licensee shall be permitted to prohibit the making of long distance calls upon documentation that requested reimbursement for previous calls has not been received.

(10) To mail and receive unopened correspondence.

(11) To receive assistance in exercising the right to vote.

(12) To move from the facility.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

Adopt Section 81075 to read:

81075 HEALTH-RELATED SERVICES

81075

- (a) In addition to Section 80075, the following shall apply:
- (b) The facility administrator shall ensure the development and implementation of a plan which insures assistance is provided to the clients in meeting their medical and dental needs.
- (c) The facility administrator shall ensure the isolation of a client suspected of having a contagious or infectious disease and shall ensure that a physician is contacted to determine suitability of the client's retention in the facility.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

Adopt Section 81076 to read:

81076 FOOD SERVICE

81076

- (a) In addition to Section 80076, the following shall apply:
- (b) The following requirements shall be met when serving food:
 - (1) Meals served on the premises shall be served in one or more dining rooms or similar areas in which the furniture, fixtures, and equipment necessary for meal service are provided.
 - (A) Such dining areas shall be located near the kitchen so that food may be served quickly and easily.
 - (2) Tray service shall be provided in case of emergency need.
- (c) The licensee shall meet the following storage requirements:
 - (1) Supplies of staple nonperishable foods for a minimum of one week and fresh perishable foods for a minimum of two days shall be maintained on the premises.
 - (2) Freezers shall be large enough to accommodate required perishables and shall be maintained at a temperature of zero degrees F (-17.7 degrees C).
 - (3) Refrigerators shall be large enough to accommodate required perishables and shall maintain a maximum temperature of 45 degrees F (7.2 degrees C).
 - (4) Freezers and refrigerators shall be kept clean, and food storage shall permit the air circulation necessary to maintain the temperature specified in (2) and (3) above.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

Adopt Section 81078 to read:

81078 RESPONSIBILITY FOR PROVIDING CARE
AND SUPERVISION

81078

(a) Notwithstanding Section 80078, the following shall apply:

(1) The licensee shall arrange for and/or provide those
services identified in the client's needs and services
plan as necessary to meet the client's needs.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and
Institutions Code; Sections 1501 and
1502(a)(7), Health and Safety Code.

Adopt Section 81079 to read:

81079 ACTIVITIES

81079

- (a) The licensee shall ensure that planned recreational activities, which include the following, are provided for the clients:
- (1) Activities that require group interaction.
 - (2) Physical activities including but not limited to games, sports, and exercises.
- (b) Each client who is capable shall be given the opportunity to participate in the planning, preparation, conduct, clean-up and critique of the activities.
- (c) The licensee shall ensure that clients are encouraged to participate in and shall make available community activities including but not limited to the following:
- (1) Worship services and activities of the client's choice.
 - (2) Community service activities.
 - (3) Community events including but not limited to concerts, tours, dances, plays and celebrations of special events.
 - (4) Self-help organizations.
 - (5) Senior citizen groups, sports leagues, and service clubs.
- (d) Notices of planned activities shall be posted in a central location readily accessible to clients, relatives, and representatives of placement and referral agencies.
- (e) Activities shall be encouraged through provision of the space, equipment, and supplies specified in Sections 81087.2, 81087.3 and 81088(f).

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

Adopt Section 81080 to read:

81080 RESIDENT COUNCILS

81080

- (a) Each facility, at the request of a majority of its residents, shall assist its residents in establishing and maintaining a resident-oriented facility council.
- (1) The licensee shall provide space for, and post notice of, meetings, and shall provide assistance in attending council meetings for those residents who request it.
- (A) If residents are unable to read the posted notice because of physical or functional disabilities, the licensee shall notify the residents in a manner appropriate to that disability including but not limited to verbal announcements.
- (2) The licensee shall document notice of meetings, meeting times, and recommendations from council meetings.
- (3) In order to permit a free exchange of ideas, at least part of each meeting shall be conducted without the presence of any facility personnel.
- (4) Residents shall be encouraged, but shall not be compelled to attend council meetings.
- (b) The licensee shall ensure that in providing for resident councils the requirements of the Health and Safety Code Section 1520.2 are observed.

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- (1) Health and Safety Code Section 1520.2 reads in pertinent part:
- "(a) ... The council shall be composed of residents of the facility and may include family members of residents of the facility. The council may, among other things, make recommendations to facility administrators to improve the quality of daily living in the facility and may negotiate to protect residents' rights with facility administrators.

- (b) A violation of subdivision (a) shall not be subject to the provisions of Section 1540 (misdemeanors) but shall be subject to the provisions of Section 1534 (civil penalties) and any other provisions of this chapter.
- (c) This section shall not apply to a community care facility ...licensed to provide care for six (6) or fewer individuals."

HANDBOOK ENDS HERE

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501, 1502(a)(7) and 1520.2 Health and Safety Code.

Adopt Article 7., Section 81087 to read:

Article 7: PHYSICAL ENVIRONMENT

81087 BUILDINGS AND GROUNDS

81087

- (a) In addition to Section 80087, the following shall apply.
- (b) Bedrooms shall meet, at a minimum, the following requirements:
- (1) No more than two clients shall sleep in a bedroom unless the program justifies a group living arrangement of more than two persons to a room and such arrangement is approved in writing by the licensing agency.
 - (2) Bedrooms shall be large enough to allow for easy passage and comfortable use of any required client assistive devices including but not limited to wheel chairs or walkers, between beds and other items of furniture specified in Section 81088(c).
 - (3) No room commonly used for other purposes shall be used as a bedroom for any person.
 - (4) No client bedroom shall be used as a public or general passageway to another room, bath, or toilet.
- (c) Stairways, inclines, ramps, open porches, and areas of potential hazard to clients whose balance or eyesight is poor shall not be used by clients unless such areas are well lighted and equipped with sturdy hand railings.
- (d) Facilities shall meet the following requirements in laundry areas:
- (1) Space and equipment for washing, ironing and mending of personal clothing.
 - (2) Space used for soiled linen and clothing shall be separated from the clean linen and clothing storage and handling area.
- (e) There shall be space available in the facility to serve as an office for business, administration, and admission activities.

- (f) The licensee shall have the authority to use a centralized service facility to provide laundry or food service to two or more licensed facilities if the use of the centralized facility does not result in a violation of California Code of Regulations, Title 22, Division 6, Chapter 1, Section 80076 or Chapter 2, Section 81088 and the licensing agency has issued prior written approval.
- (g) Notwithstanding Section 80087(h) firearms, weapons, and ammunition are not permitted in the facility or on the facility property.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

Adopt Section 81087.2 to read:

81087.2 OUTDOOR ACTIVITY SPACE

81087.2

- (a) The licensee shall ensure that outdoor activity areas are provided, are easily accessible to clients and protected from traffic.
- (b) The licensee shall ensure that the outdoor activity areas are shaded, comfortable, and furnished for outdoor use.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

Adopt Section 81087.3 to read:

81087.3 INDOOR ACTIVITY SPACE

81087.3

(a) As a condition of licensure, there shall be common rooms, including a living room, dining room, den or other recreation/activity room, which provide the necessary space and/or separation to promote activity programs within the facility and to prevent such activities from interfering with other functions.

(1) At least one such room shall be available to clients for relaxation and visitation with friends and/or relatives.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

Adopt Section 81088 to read:

81088 FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES 81088

- (a) In addition to Section 80088, as a condition of licensure, the following shall apply.
- (b) Toilet, washbasin, and bath and shower fixtures shall at a minimum meet the following requirements:
- (1) At least one toilet and washbasin shall be maintained for each six persons residing in the facility.
 - (2) At least one bathtub or shower shall be maintained for each six persons residing in the facility.
 - (3) Toilets and bathrooms shall be located near client bedrooms.
 - (4) Individual privacy shall be provided in all toilet, bath, and shower areas.
 - (5) The lock on bathroom doors shall allow for quick and easy opening from the outside.
- (c) The licensee shall ensure provision to each client of the following furniture, equipment and supplies necessary for personal care and maintenance of personal hygiene.
- (1) An individual bed, except that couples shall be allowed to share one double or larger size bed, maintained in good repair, and equipped with good bed springs, a clean mattress, and pillow(s).
 - (A) Fillings and covers for mattresses and pillows shall be flame retardant.
 - (B) No social rehabilitation facility shall have more beds for client use than required for the maximum capacity approved by the licensing agency.
 - (2) In addition to Subsection (c)(1) above, each client shall have a chair, a night stand, and a lamp or lights necessary for reading.
 - (A) Two clients sharing a bedroom shall be permitted to share one night stand.

- (3) Permanent or portable closets and drawer space in each bedroom to accommodate the client's clothing and personal belongings.

 - (A) A minimum of two drawers or eight cubic feet (.2664 cubic meters) of drawer space, whichever is greater, shall be provided for each client.
- (4) Clean linen in good repair, including lightweight, warm blankets and bedspreads; top and bottom bed sheets; pillow cases; mattress pads; rubber or plastic sheeting, when necessary; and bath towels, hand towels, and washcloths.

 - (A) The quantity of linen provided shall permit changing the linen at least once each week or more often when necessary to ensure that clean linen is in use by clients at all times.
 - (B) The use of common towels and washcloths shall be prohibited.
- 5
(6) Feminine napkins, nonmedicated soap, toilet paper, toothbrush, toothpaste, and comb.
- (d) If the facility maintains its own laundry equipment, necessary supplies shall be available and equipment shall be maintained in good repair.

 - (1) If the washing machine and/or dryer is coin operated, clients shall be provided with coins or tokens and laundry supplies.

 - (A) Coins and laundry supplies shall be provided to clients when public laundry equipment is used.
 - (B) The licensee shall be permitted to designate a safe location or locations, and/or times in which clients shall be permitted to iron.
- (e) Emergency lighting, which shall include at a minimum working flashlights or other battery-powered lighting, shall be maintained and readily available in areas accessible to clients and staff.

 - (1) An open-flame type of light shall not be used.
 - (2) Night lights shall be maintained in hallways and passages to nonprivate bathrooms.
- (f) The licensee shall provide and maintain the equipment and supplies necessary to meet the requirements of the planned activity program.

- (1) Such supplies shall include but not be limited to daily newspapers, current magazines and a variety of reading materials.
 - (2) Special equipment and supplies necessary to accommodate physically handicapped persons or other persons with special needs shall be provided to meet the needs of handicapped clients.
 - (3) When not in use, recreational equipment and supplies shall be stored where they do not create a hazard to clients.
- (g) All social rehabilitation facilities, except facilities with sprinkling systems, shall have an approved, commercially manufactured and battery operated smoke detector installed in the hallway(s) in each sleeping area in the home. The smoke detectors shall be audible in each bedroom or sleeping room.
- (h) Facilities shall meet the following signal system requirements:
- (1) Any facility certified as a Short-Term Crisis Residential Program and/or a Long-Term Residential Treatment Program with a licensed capacity of 15 or more clients, or having separate floors or separate buildings without full-time staff present on each floor or in each separate building when clients are present, shall have a signal system or shall have facility staff visually check on all clients no less than on an hourly basis.
 - (2) If a signal system is used, it shall meet the following requirements.
 - (A) Operation from each client's sleeping unit.
 - (B) Transmission of a visual and/or auditory signal to a central location, or production of an auditory signal at the client's living unit which is loud enough to summon staff.
 - (C) Identification of the specific client's sleeping unit from which the signal originates.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
In the office of the Secretary of State
of the State of California

JAN 07 1991

At 4:45 o'clock P.M.

MARION FONG EU, Secretary of State

By *Michael R. Williams*
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: Social Services

OAL File No: 90-1206-01


JOHN D. SMITH
Director

01/07/91

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		90-1210-01N		

For use by Office of Administrative Law (OAL) only

FILED
In the office of the Secretary of State
of the State of California

1990 DEC 10 AM 10:40
OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

JAN 09 1991
4:40 o'clock P.M.
MICHAEL J. LONG EU, Secretary of State
Deputy Secretary of State

AGENCY
State Department of Social Services
Office of Administrative Law

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT
	AMEND 80001, 80041(a)(1), 83000(a), 84064(e)(2)(B).
TITLE(S) 22	REPEAL 80000(f) and (g), 80001(a)(42), 80007(a)(8) and (10), Handbook 80019(a)(2)(E), and Chapter 7, Rehabilitation Facilities.

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☒ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Rosalie Clark, Chief, Regulations Development Bureau

TELEPHONE NUMBER
(916) 445-0313

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Linda S. McMahon

DATE

12-6-90

TYPED NAME AND TITLE OF SIGNATORY

Linda S. McMahon, Director

3/17/91 2:50 PM

INSTRUCTIONS FOR PUBLICATION OF NOTICE AND SUBMISSION OF REGULATIONS

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Repeal Sections 80000(f) and (g) to read:

80000 GENERAL (Continued)

80000

(a) through (e) (Continued)

(1Y) An existing facility licensed as a social rehabilitation facility shall be required by April 1/ 1984 to choose one of the following licensing categories and to document the choice by completing and forwarding a form LIC 200 to the licensing agency. The facility shall be required to meet the requirements of the chosen category by July 1/ 1984. Between January 1/ 1984 and July 1/ 1984 the facility shall comply with the requirements for rehabilitation facilities except for changes from the previous requirements regarding the types of clients to be served.

(1Y) Rehabilitation facility, as specified in this chapter and chapter 7/

(1Y) Group home, as specified in this chapter and chapter 3/

HANDBOOK BEGINS HERE

(1Y) Licensees who choose this option shall be required to serve only minors.

HANDBOOK ENDS HERE

(1Y) Adult Residential facility as specified in this chapter and chapter 6/

HANDBOOK BEGINS HERE

(1Y) Licensees who choose this option shall be required to serve only adults and/or emancipated minors as specified in section 80001(2)(1Y) and civil code section 62/

HANDBOOK ENDS HERE

(1Y) An existing facility licensed as a social rehabilitation center shall by April 1/ 1984, meet the requirements for adult day facilities. Between January 1/ 1984 and April 1/ 1984 the facility shall comply with the requirements for adult day facilities except for changes from the previous requirements regarding physical environment, staff training, staff ratios, and provision of care and supervision to minors who are not emancipated as specified in section 80001(2)(1Y) and civil code section 62/

NOTE: Authority cited: Sections 1530 and 1530.5. Health and Safety Code. Reference: Sections 1501, 1502, 1530 and 1531, Health and Safety Code.

Amend Section 80001 to read:

80001 DEFINITIONS (Continued)

80001

(a) (Continued)

~~142~~ "Rehabilitation Facility" means any facility of any capacity which provides 24-hour a day nonmedical care and supervision in a group setting to adults and/or emancipated minors recovering from drug abuse, who are currently or potentially capable of meeting their life support needs independently, but who temporarily need assistance, guidance or counseling.

~~42~~ "Relative" (Continued)

~~43~~ "Serious Deficiency" (Continued)

~~44~~ "Small Family Home" (Continued)

~~45~~ "Social Day Care Facility" (Continued)

~~76~~ "Social Worker" (Continued)

~~47~~ "SSI/SSP" (Continued)

~~48~~ "Substantial Compliance" (Continued)

~~5049~~ "Substantiated Complaint" (Continued)

~~510~~ "Transfer Trauma"

~~521~~ "Unlicensed Community Care Facility" (Continued)

~~52~~ "Urgent Need" (Continued)

~~543~~ "Waiver" (Continued)

NOTE: Authority cited: Sections 1502.2 and 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1502.2, 1503, 1503.5, 1505, 1507, 1508, 1509, 1511, 1520, 1522, 1524, 1525, 1525.5, 1526, 1527, 1529, 1530, 1530.5, 1531, 1533, 1534, 1536.1, 1537, 1538.5, 1550, 1551 and 11834.11, Health and Safety Code; and Section 11006.9, Welfare and Institutions Code.

Repeal Sections 80007(a)(8) and (10) and renumber Sections 80007(a)(9), (11) and (12) to Sections 80007(a)(8), (9), and (10), respectively, to read:

80007 EXEMPTION FROM LICENSURE (Continued)

80007

(a) (Continued)

(7) Any house, institution, hotel, or other similar place that supplies board and room only, or room only, or board only, which provides no element of care and supervision, as defined in Section 80001(a)(10).

(8) Any recovery house or other similar facility providing a group living arrangement for persons recovering from alcoholism or drug addiction where the facility provides no element of care and supervision as defined in Section 80001(a)(10).

(9) Any cooperative arrangement between parents for the day care of their children by one or more of the parents where no payment for the day care is involved, including but not limited to the exchange of child day care services between two or more families.

(10) Any alcoholism recovery facility as defined by Section 11834.11 of the Health and Safety Code relating to alcohol programs.

HANDBOOK BEGINS HERE

Health and Safety Code Section 11834.11 provides in part:

(A) An "alcoholism recovery facility" means any facility, place, or building which is maintained and operated to provide 24-hour residential nonmedical alcoholism recovery services exclusively for individuals whose involvement in services is related primarily to an alcohol problem.

HANDBOOK ENDS HERE

(11) Any care and supervision of persons by a relative, guardian or conservator.

(120) Any care and supervision of persons from only one family by a close friend of the parent, guardian or conservator, provided that such arrangement is not for financial profit and does not exceed 10 hours per week.

(A) Provision of longer hours of care shall not be precluded when provided for a brief period of time for reasons, including but not limited to family emergencies, vacation, and military leave.

CR renumber subsections (a)(13)-(19) to (a)(11)-(17)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1505, 1508, 1530, 1530.5, 1536.1, Health and Safety Code; Sections 226.2, 226.5 and 226.6, Civil Code; and Sections 362, 727, and 16100, Welfare and Institutions Code.

Remove Handbook Section 80019(a)(2)(E) and renumber Handbook Section 80019(a)(2)(F) to (E).

80019 CRIMINAL RECORD CLEARANCE (Continued)

80019

HANDBOOK CONTINUES

(a) (Continued)

(2) (Continued)

(A) through (D) (Continued)

1E) Except for staff members of social rehabilitation facilities serving minors with alcohol or drug abuse problems; staff members of social rehabilitation facilities; other than those specified in paragraphs 1A) and 1B); are exempt from fingerprinting requirements.

(FE) (Continued)

HANDBOOK ENDS HERE

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1522, 1531, and 1534, Health and Safety Code; and Section 42001, Vehicle Code.

Amend Section 80041(a)(1) to read:

80041 DENIAL OF A RENEWAL LICENSE

80041

(a) The licensing agency shall have the authority to deny an application for a renewal license under the following circumstances:

- (1) The licensee is not in substantial compliance, as defined in Section 80001(~~Aa~~)(498), with applicable law and regulation at the time of the renewal.
(Continued)

Authority Cited: Sections 1523 and 1530, Health and Safety Code.

Reference: Sections 1520, 1523, 1524, 1525, 1526 and 1528, Health and Safety Code.

Amend Section 83000(a) to read:

83000 GENERAL

83000

- (a) Small family homes, as defined in Section 80001(a)(4~~4~~), shall be governed by the provisions specified in this chapter. In addition, such small family homes, except where specified otherwise shall be governed by Chapter 1, General Requirements.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501, 1502, 1530 and 1531, Health and Safety Code.

Amend Section 84064(e)(2)(B) to read:

84064 ADMINISTRATOR QUALIFICATIONS AND DUTIES
(Continued)

84064

(e) (Continued)

(2) (Continued)

(B) Have a master's degree in a behavioral science from an accredited college or university, plus two years of employment as a social worker, as defined in Section 80001(a)(4~~5~~6), in an agency serving children or in a group residential program for children. (Continued)

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1531, and 1562, Health and Safety Code.

Repeal Chapter 7, Rehabilitation Facilities:

Chapter 7. Rehabilitation Facilities

Article 1. General Requirements and Definitions

§ 86000. General.

(a) Rehabilitation facilities, as defined in Section 80001(a)(41), shall be governed by the provisions specified in this chapter. In addition, such rehabilitation facilities, except where specified otherwise in this chapter, shall be governed by Chapter 1, General Requirements.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530 and 1531, Health and Safety Code.

HISTORY

1. *New Chapter 7 (Articles 1-7, Sections 86000-86088, not consecutive) filed 10-7-83; designated effective 1-1-84 (Register 83, No. 42).

*The reorganization of various sections in Division 6 into new Chapter 7 is printed as an adoption for clarity.

§ 86001. Definitions.

(a) In addition to Section 80001, the following shall apply:

(1) "Emancipated Minor" means any person who meets the specifications of Civil Code Section 62.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530 and 1531, Health and Safety Code.

Article 2. Licensing

§ 86009. Posting of License.

(a) The license shall be posted in a prominent, publicly accessible location in the facility.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

§ 86010. Limitations on Capacity and Ambulatory Status.

(a) In addition to Section 80010, the following shall apply.

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(b) The licensee shall be permitted to allow the presence or residence in the facility of the unemancipated children of facility clients provided that the licensee provides no element of care and supervision to such children.

(c) Rehabilitation facilities shall not accept for care and supervision any person whose primary need is inpatient treatment in a health facility.

(d) The licensing agency shall have the authority to permit admission of nonambulatory clients provided that such clients shall reside on the same floor on which bathing, handwashing and toilet facilities are located.

(e) Notwithstanding the provisions of Section 80010(a), the licensing agency shall have the authority to authorize rehabilitation facilities to exceed their specified capacity by not more than 15 percent, provided that the licensee submits to the licensing agency a written request for such a capacity increase.

(1) The licensing agency shall have the authority to authorize such a capacity increase subject to State Fire Marshal approval.

(2) Such authorization by the licensing agency shall be in writing.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

Article 3. Application Procedures

§ 86018. Application for License.

(a) In addition to Section 80018, the following shall apply.

(b) To verify compliance with the requirements specified in Section 80062(a)(1), the licensing agency shall have the authority to accept written confirmation of the following from the State Department of Alcohol and Drug Programs:

(1) The applicant is personally and financially able to meet operating costs for care and supervision of clients.

(2) The facility is to be exclusively for clients recovering from drug and/or narcotics abuse.

(c) Start-up funds shall be available and shall include funds for the first three months of operation.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1520 and 1531, Health and Safety Code.

HISTORY

1. Amendment of subsection (b)(2) filed 2-21-86; effective thirtieth day thereafter (Register 86, No. 8).

§ 86022. Plan of Operation.

(a) In addition to Section 80022, the following shall apply.

(b) The plan of operation shall:

(1) Provide for a group living experience within which each client is encouraged to develop or regain the necessary skills for daily survival, interpersonal communication, and, where appropriate, reintegration into the community.

(2) Encourage clients to participate in activities and programs conducted within the community.

(3) Require participation between client and facility staff in the planning of the individual client's program.

(4) Establish regularly scheduled and periodic evaluations by the client and facility to assess the client's progress toward his/her goals.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1520 and 1531, Health and Safety Code.

Article 4. Administrative Actions (Reserved)

Article 5. Enforcement Provisions (Reserved)

Article 6. Continuing Requirements

§ 86065. Personnel Requirements.

(a) In addition to Section 80065, the following shall apply.

(b) Each facility shall have an administrator who meets the qualifications of Section 80064(a).

(c) When the administrator is absent from the facility, there shall be coverage by a designated substitute, who meets the qualifications of Section 80065, who shall be capable of, and responsible and accountable for, management and administration of the facility in compliance with applicable law and regulation.

(d) The licensee shall designate a qualified staff person capable of handling emergencies who shall be present at the facility during normal sleeping hours.

(e) The licensee shall develop, maintain and implement an ongoing planned training program for all employees in areas related to their duties.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530 and 1531, Health and Safety Code.

§ 86068. Admission Agreements.

(a) In addition to Section 80068, the following shall apply.

(b) The licensee shall obtain the client's informed consent, as evidenced by the client's signature on the written admission agreement, regarding the following:

(1) Those actions, circumstances or conditions which may result in his/her eviction from the facility.

(2) Those regulatory provisions which may have been waived by the licensing agency as specified in Section 86072(b).

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

§ 86072. Personal Rights.

(a) In addition to Section 80072, the following shall apply.

(b) The licensing agency shall have the authority to approve waivers permitting the implementation of social model recovery programs the provisions of which conflict with the requirements of Sections 80072(a)(1), (3), (6), (7) or 80065(1).

(1) Approval of a waiver of requirements under Section 80072(a)(3) shall not extend to the prohibition against corporal or unusual punishment.

(2) Approval of a waiver of requirements under Section 80065(1) shall not extend to the prohibition against physical abuse, exploitation or prejudice.

(3) All waivers shall be obtained prior to program implementation, and shall have the client's informed consent, as evidenced by his/her signature on the facility's admission agreements.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

§ 86076. Responsibility for Providing Care and Supervision.

(a) The licensee shall:

(1) Plan and direct the rehabilitation program.

(2) Determine whether an individual will be accepted as a client.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

§ 86080. Resident Councils.

(a) Each facility, at the request of a majority of its residents, shall assist its residents in establishing and maintaining a resident-oriented facility council.

(1) The licensee shall provide space and post notice for meetings, and shall provide assistance in attending council meetings for those residents who request it.

(A) If residents are unable to read the posted notice because of a physical or functional disability, the licensee shall notify the residents in a

manner appropriate to that disability including but not limited to verbal announcement.

(2) The licensee shall document notice of meetings, meeting times, and recommendations from council meetings.

(3) In order to permit a free exchange of ideas, at least part of each meeting shall be conducted without the presence of any facility personnel.

(4) Residents shall be encouraged, but shall not be compelled to attend council meetings.

(b) The licensee shall ensure that in providing for resident councils the requirements of Section 1520.2 of the Health and Safety Code are observed.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 1520.2, Health and Safety Code.

HISTORY

1. New section filed 11-10-86; effective thirtieth day thereafter (Register 86, No. 46).

Article 7. Physical Environment

§ 86088. Fixtures, Furniture, Equipment, and Supplies.

(a) In addition to Section 80088, as a condition of licensure, the following shall apply.

(b) Bathing, handwashing and toilet facilities shall be provided in each building in which clients reside. Space for each client's toilet articles shall be provided.

(c) The facility shall provide the following for each client:

(1) An individual bed maintained in good repair, equipped with good springs and a clean mattress; and supplied with pillow(s) which are clean and in good repair.

(A) No rehabilitation facility shall have more beds for client use than required for the maximum capacity approved by the licensing agency.

1. This requirement shall not apply to the bed(s) made available for illness or separation of others in an isolation room or area as specified in Section 80075(b).

(b) Fillings and covers for mattresses and pillows shall be flame retardant.

(2) Clean linen in good repair, including lightweight warm blankets; top and bottom bed sheets; pillow cases; mattress pads; and bath towels, hand towels and wash cloths.

(A) The quantity of linen provided shall permit changing at least once a week, or more often when indicated to ensure that clean linen is in use by clients at all times.

(B) Use of common towels and wash cloths shall be prohibited.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

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OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
In the office of the Secretary of State
of the State of California

JAN 09 1991
At 440 o'clock P.M.
MAKOH FONG EU, Secretary of State
By Michael G. Williams
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: Social Services

OAL File No: 90-1210-01


JOHN D. SMITH
Director

01/09/91

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBER	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		90-1210-035		

For use by Office of Administrative Law (OAL) only

<p>1990 DEC 10 AM 10 51</p> <p>OFFICE OF ADMINISTRATIVE LAW ENDORSED</p> <p>APPROVED FOR FILING</p> <p>JAN 09 1991</p> <p>Office of Administrative Law REGULATIONS</p>	<p>FILED</p> <p>In the office of the Secretary of State of the State of California</p> <p>JAN 09 1991</p> <p>440 o'clock P.M.</p> <p>MARCH 1991 FONG EU, Secretary of State</p> <p>Shicheale S. Williams Deputy Secretary of State</p>
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NOTICE

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (if any)

0190-03

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 90-114-Z	PUBLICATION DATE 4-6-90

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT
	AMEND
	(see list attached)
TITLE(S)	REPEAL
MPP	

2. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			

<input type="checkbox"/> Print Only	<input type="checkbox"/> Other (specify)
-------------------------------------	--

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

August 27, 1990 through September 11, 1990 and November 2, 1990 through November 19, 1990

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

<input checked="" type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> Effective other (Specify)
---	--	--

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
--	--	---

<input type="checkbox"/> Other (Specify)
--

6. CONTACT PERSON

Rosalie Clark, Chief, Regulations Development Bureau

TELEPHONE NUMBER

(916) 445-0313

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

L. S. McMahon

DATE

12-5-90

TYPED NAME AND TITLE OF SIGNATORY

Linda S. McMahon, Director

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 7-90) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

B, SUBMISSION OF REGULATIONS (complete when submitting regulations)

1. Specify Sections

Adopt

63-091; 63-206.2 through .223 and .4 through .43; 63-402.614; 63-602.3 through .32, .4 through .42, and .5 through .521; 63-603.1 through .823; 63-703.1 through 33; and 63-706.1 through .422.

Amend

63-102 a., c., m., r., t., and v.; 63-103.21i.(6); 63-104.2 and .3; 63-107.231 and .34; 63-201.6; 63-202.12, .3, and .311(b); 63-206.1, .3, .44, .5, and .6; 63-301.2, and .531(a) and (b); 63-402.612, .613; .621, .622, .63, .64 and .65; 63-503.474, .475, .477, .484 and .485; 63-504.422(b), .71 through .712, .73, .74, .84 and .863; 63-601.11, .12, and .211; 63-602.11, .12, .2, and .6 through .63; 63-700; 63-701; 63-701.1, .2, .3, .4, .5, and .6; 63-702.11 and .6; 63-703 (Title); 63-704.1 through .19; 63-705.11 through .23; 63-706 (Title); 63-801.122, ~~.223~~, and .85; 63-803 (Title); 63-804.7; and 63-900.55. ^{.222(c)}

Repeal

63-206.2 through .262 and .45 through .48; 63-601.4; 63-602.3 through .392d., .4 through .49; 63-603.1 through .43; 63-605.1 through .525(c); 63-703.1 through .31; 63-707; 63-708; and 63-803.1 through .4.

Correction per agency
request Re 11/9/91

DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.



Linda S. McMahon
Director

8-26-88
Date

Adopt MPP Section 63-091 to read:

63-091 IMPLEMENTATION OF REGULATIONS FOR ISSUANCE AND 63-091
ISSUANCE LIABILITY RULES

- .1 The revised FNS-46 (Rev. 8/89) shall be implemented retroactive to the October 1989 report. If necessary, CWDs shall submit revised reports back to this month.
- .2 Effective on the first of the month, 30 days after filing with the Secretary of State, CWDs shall implement the following revised and adopted provisions: Sections 63-102a.(1) through a.(7), c.(4) through c.(9), m.(1) through m.(7), r.(2) through r.(8), t.(5), and v.(1); Section 63-103.21 i(6); Sections 63-104.2 and .3; Section 63-107.231(c) and .34; Section 63-201.6; Sections 63-202.12, .3, and .311(b); Sections 63-206.1, .2, .3, .4, .5, and .6; Sections 63-301.2, and .531; Sections 63-402.612, .613, .614, .621, .622(a), .63, .64, and .65; Sections 63-503.474, .475, .477, .484, and .485; Sections 63-504.422(b), .71, .73, .74, .841, .842, and .863; Sections 63-601.1 and .211; Sections 63-602.11, .12, .2, .3, .4, .5, and .6; Sections 63-603, .1, .2, .3, .4, .5, .6, .7, and .8; Section 63-700; Sections 63-701.11, .13, .2, .3, 4, .5, and .6; Sections 63-702.11, and .63, and .64; Sections 63-703.1, .2, and .3; Sections 63-704.11, .12, .13, .15, and .16; Sections 63-705.11, .12, .13, .2, .21, .22, and .23; Sections 63-706, .1, .2, .3, and .4; Section 63-707; Section 63-708; Sections 63-801.122 and .85; Section 63-804.7; and Section 63-900.55(i).

↑
222(c)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 272.1(g); 7 CFR 272.2(a)(2) and (d)(1)(viii); 7 CFR 272.4(f); 7 CFR 273.1(f); 7 CFR 273.2(q); 7 CFR 273.10(g); 7 CFR 273.11(k); and 7 CFR 274.1 through .11.

*Correction for
agency request
1/9/91 Be*

Amend and renumber Sections 63-102a., c., m., and r. and adopt Sections 63-102 t.(5) and v.(1) to read:

63-102 DEFINITIONS 63-102

a. (1) "Access device" means the device which may be used to access the master issuance or record-for-issuance file in an automated direct access system. A plastic card with a magnetic strip is a type of access device.

(12) (Continued)

(23) (Continued)

(34) (Continued)

(45) (Continued)

(56) "Authorization document" means an intermediary document issued by the CWD and used to authorize a specific benefit amount for a household. An "Authorization to Participate card (ATP)" means a is a type of authorization document which is issued by the county to a certified household to show the allotment the household is authorized to receive on presentation of such document. (Continued)

(67) (Continued)

63-102 DEFINITIONS (Continued) 63-102

c. (Continued)

(4) "Claims collection point" means an entity responsible for the collection of claims.

(45) (Continued)

(56) (Continued)

(67) (Continued)

(78) (Continued)

(89) (Continued)

63-102 DEFINITIONS (Continued) 63-102

m. (1) "Master issuance file" means a cumulative file containing individual household records for all food stamp households indicating household status and the amount of benefits each household is authorized to receive.

(12) (Continued)

(23) (Continued)

(34) (Continued)

(45) (Continued)

(56) (Continued)

(67) (Continued)

63-102 DEFINITIONS (Continued)

63-102

r. (Continued)

(2) "Record-for-issuance file" means a file which is created monthly from the master issuance file, which shows the amount of benefits each eligible household is to receive for the issuance month and the amount actually issued to the household.

(23) (Continued)

(34) (Continued)

(45) (Continued)

(56) (Continued)

(67) (Continued)

(78) (Continued)

(89) (Continued)

63-102 DEFINITIONS (Continued)

63-102

t. (5) "Transaction receipt" means the document produced in an automated direct access issuance system which can be designed to be signed prior to the issuance of benefits by a household member designated on the ID card or any authorized representative. (Continued)

63-102 DEFINITIONS (Continued)

63-102

v. (1) ~~Reserved~~

"Validity period" means the time frame during which a household may obtain benefits by transacting an authorization document or receiving benefits at an issuance point. (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and
Institutions Code.

Reference: 7 CFR 2710.2 and 7 CFR 274.3.

Amend Section 63-103.21 i. (6) to read

63-103 ADMINISTRATIVE AUTHORITIES (Continued)

63-103

.2 (Continued)

.21 (Continued)

i. (Continued)

- (6) Facilitate replacement of stolen ATPs/ or coupons or ATPs lost in the mail/ or coupons or ATPs destroyed in a household disaster as specified in section 63-102NY authorization documents or access devices; and authorization documents, access devices or coupons lost in the mail or destroyed in a household disaster. (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 271.2.

Amend Sections 63-104.2 and .3 to read:

63-104 COUPONS AS OBLIGATIONS OF THE UNITED STATES
CRIMES AND OFFENSES (Continued)

63-104

.2 Penalties

Any unauthorized issuance, use, transfer, acquisition, alteration, possession, or presentation of coupons, ~~or ATPs~~ authorization documents, or access devices may subject any individual, partnership, corporation or other legal entity to prosecution under Sections 15(b) and (c) of the Food Stamp Act or under any other applicable federal, state or local law, regulation or ordinance.

.21 Coupon Issuers

.211 Any coupon issuer or any officer, employee or agent, thereof convicted of failing to provide the monthly reports required in Sections 63-7032/8 ~~and /8~~ or convicted of violating Sections 63-600 or 63-700 shall be subject to a fine of ~~not more than~~ up to \$1,000, or imprisoned for ~~not more than~~ up to one year, or both.

.212 Any coupon issuer or any officer, employee or agent, thereof convicted of knowingly providing false information in the reports required under Sections 63-7032/8 ~~and /8~~ shall be subject to a fine of ~~not more than~~ up to \$10,000, or imprisoned ~~not more than~~ up to five years, or both. (Continued)

.3 Security for Coupons, ~~and ATPs~~ Authorization Documents and Access Devices

All individuals, partnerships, corporations/ or other legal entities, including ~~county agencies~~ CWDs and their delegates, ~~(referred to in this paragraph as "persons")~~, having custody, care and control of coupons, ~~and ATPs~~ authorization documents and access devices shall, at all times, take all precautions necessary to avoid the following:

.31 The acceptance, transfer, negotiation or use of spurious, altered or counterfeit coupons, and ATPs authorization documents and access devices;

.32 ~~and to avoid any~~ The unauthorized use, transfer, acquisition, alteration or possession of coupons, and ATPs authorization documents and access devices; and/

.33 ~~These persons shall safeguard~~ The theft, embezzlement,
loss, damage or destruction of coupons, and ATPs
authorization documents and access devices from theft/
~~embezzlement/ loss/ damage/ or destruction/~~ as specified
in Section 63-601.3/ ~~§§704+29~~ and 63-7081.2.

Authority Cited: Sections 10554 and 18904, Welfare and
Institutions Code.

Reference: 7 CFR 271.2.

Amend Sections 63-107.23 and .34 to read:

63-107 BENEFIT REDUCTION, SUSPENSION, OR CANCELLATION 63-107
PROCEDURES (Continued)

.2 (Continued)

.23 (Continued)

.231 (Continued)

(c) In an ~~HR card~~ direct access issuance system using HIR cards, the CWD has the option to reduce benefits by changing all HIR cards before issuance for the affected month or by adjusting individual HIR cards when the household appears at the issuance office. (Continued)

63-107 BENEFIT REDUCTION, SUSPENSION, OR CANCELLATION 63-107
PROCEDURES (Continued)

.3 (Continued)

.34 Upon being notified by SDSS that a suspension or cancellation of benefits is over, CWDs shall act immediately to resume issuing benefits to certified households in accordance with Sections ~~63-602.482/ 63-603/311/ and 603/313.~~

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 271.2.

Amend Section 63-201.6 to read:

63-201 GENERAL TERMS AND CONDITIONS (Continued)

63-201

.6 Retention of Records

CWDs shall retain all Food Stamp Program records in an orderly fashion, for audit and review purposes, for a period of three years from the month of origin of each record. ~~The~~ CWDs shall retain fiscal records and accountable documents for three years from the date of fiscal or administrative closure. Fiscal closure means that obligations for or against the Federal Government have been liquidated. Administrative closure means that the CWD has determined and documented that no further action to liquidate the obligation is appropriate. Fiscal records and accountable documents include, but are not limited, to claims and documentation of lost benefits. ~~Retention methods for ATP cards are provided in 63-708/11~~

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code.

Amend Sections 63-202.12, .3, and .311(b) to read:

63-202 PROGRAM ADMINISTRATION AND PERSONNEL
REQUIREMENTS (Continued)

63-202

.1 (Continued)

- .12 CWD personnel meeting the above standards shall perform the interviews required in Section 63-300.4. Volunteers and other non-CWD personnel shall not conduct certification interviews or certify food stamp applicants. Exceptions to the use of merit system personnel in the interview and certification process are specified in Section 63-900.51 for emergency food stamp assistance in disasters. CWDs may use volunteers in activities such as prescreening ~~as defined in §§ 102.104, 102.105~~, assisting applicants in the application and certification process, and in securing needed verification. Individuals and organizations who are parties to a strike or lockout, and their facilities, may not be used in the certification process except as a source of verification for information supplied by the applicant. Only authorized personnel of the CWD, coupon issuers, coupon bulk storage points, and federal or state personnel involved in administration of the program shall be permitted access to food coupons, ~~ATP's~~ authorization documents/ or other issuance documents.

63-202 PROGRAM ADMINISTRATION AND PERSONNEL
REQUIREMENTS (Continued)

63-202

.3 Internal Controls

In order to safeguard certification and issuance records from unauthorized creation or tampering, the CWD shall establish an organizational structure which divides the responsibility for eligibility determinations and coupon issuance among certification, data management, and issuance units. The certification unit shall be responsible for the determination of household eligibility and the creation of records and documents to authorize the issuance of coupons to eligible households. The data management unit, in response to input from the certification unit, shall create and maintain the household ~~issuance records~~ ~~(MIF)~~ master issuance file on cards, computer discs, tapes, or similar memory devices. The issuance unit shall provide certified households with the authorized allotments. In cases where personnel are, periodically/ or on a part-time basis, shifted from one unit to another, supervisory controls shall be sufficient to ensure that the unauthorized creation or modification of case records is not possible.

.31 (Continued)

.311 (Continued)

(a) (Continued)

(b) ~~semiannual~~ comparisons of NLR cards and
case records as required by section 637
706/1 and/ at least once every other month/
Second-party review of certification
actions at least once every other month.
(Continued)

Authority Cited: Sections 10554 and 18904, Welfare and
Institutions Code.

Reference: 7 CFR 271.2

Amend Section 63-206.12, renumber Sections 63-206.13 and .14 to Sections 63-206.14 and .15, respectively, and adopt Section 63-206.13 to read:

63-206 LIABILITIES

63-206

.1 CWD Rights and Responsibilities (Continued)

.12 CWDs shall be responsible for preventing losses of federal funds in the certification of households for participation in the Food Stamp Program. Certification functions end with the creation of the master issuance file. CWDs shall be liable for losses from incorrect coupon issuance resulting from CWD fraud or negligence in the certification of households ~~and shall make payment upon demand as provided in these regulations.~~ *1847108 837703/817*

.13 CWDs shall be responsible for preventing losses or shortages of federal funds in the issuance of benefits to households participating in the Food Stamp Program. CWDs shall be liable for all losses, thefts and unaccounted shortages that occur during issuance, unless otherwise specified. Issuance functions begin with the creation of a record-for-issuance to generate each month's issuances from the master issuance file.

.134 (Continued)

HANDBOOK BEGINS HERE

.145 (Continued)

HANDBOOK ENDS HERE

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 276.1.

Repeal Sections 63-206.2 through .262.

63-206 LIABILITIES (Continued)

63-206

12 ATP LIABILITIES

CWDs using an ATP system shall be liable for the value of all ATP cards stolen or embezzled from or lost by the CWD and subsequently transacted.

121 CWD liabilities shall be assessed for all transacted ATPs which do not match the NLR master file due to any of the following causes:

1211 The transaction of ATPs lost by, stolen, or embezzled from the CWD or the CWD's contracted issuance agent.

1212 The transaction of expired ATPs.

1213 The transaction of out-of-state ATPs.

1214 The transaction of out-of-country ATPs.

1215 Duplicate ATP transactions caused by CWD error in circumstances where the duplicate transaction could have been prevented.

122 The CWD shall review all adjustment letters from SDSS for FMS-48 liabilities to ensure that the amount to be adjusted is correct. If the CWD does not agree with the adjusted amount, a written rebuttal to the disputed amount of liability shall be submitted to SDSS within two weeks from the date of adjustment letter. The rebuttal shall include the CWD's adjusted liability together with justification for that amount.

123 Failure to provide a written response within the above two-week time period will result in the CWD Food Stamp Administrative Advance being adjusted by the billed amount. If the CWD's failure to respond timely precludes the state's opportunity to appeal to FMS, the obligation in the amount specified shall be deemed correct and final.

HANDBOOK BEGINS HERE

- 124 CWD liabilities for all transacted ATPs identified on the form FMS-46 will be adjusted by an offset from the county's Food Stamp Program Administrative Advance. These offset adjustments will be identified as "FMS-46 liabilities".

HANDBOOK ENDS HERE

- 125 The CWD shall report ATP activity on the FMS-46/ ATP Reconciliation Report, in accordance with Fiscal Handbook Section 23-1010.

- 126 Invalid ATP cards

ATP cards redeemed by over-the-counter issuance units after the end of the month in which the ATP cards expired and which do not meet the exception outlined in Section 63-602/323 shall be treated as cashier errors.

- 1261 The CWD shall:

(a) Review ATP cards received from issuance units for such invalid ATP cards, and

(b) Require the submission of a corrected form FMS 230 to reflect the undocumented issuances.

- 1262 Payment to the contracted issuance agency for cost of transaction fees may be declined by the CWD for invalid ATPs redeemed by the agent. However, in no instance are the agency permitted to retain such ATPs or fail to include the coupon allotment indicated on the ATP's in the FMS 230 reports. Stated ATP transactions are reflected in the FMS 230 reports as actual issuances but not as documented issuances.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 276.2.

Adopt Section 63-206.2 to read:

63-206 LIABILITIES (Continued)

63-206

.2 Coupon Shortages, Losses, Unauthorized Issuances, Overissuances and Undocumented Issuances

CWDs shall be responsible to FNS for any financial losses involved in the acceptance, storage and issuance of coupons. All coupon issuances shall be documented and the CWD shall make available all primary documentation (e.g. transaction receipts or authorization documents) or secondary (e.g. computer listings of transaction receipts or authorization documents), if the primary has been inadvertently destroyed, when required to do so. CWDs shall pay upon demand, the amount of any such losses. Unauthorized issuances, overissuances and undocumented issuances for which the CWDs are strictly liable include, but are not limited to, the following:

.21 Losses resulting from authorization documents lost in transit from a manufacturer to the CWD and untransacted authorization documents lost in transit from an issuer to the CWD; and

.22 The value of coupons overissued and coupons issued without authorization, except for those duplicate issuances in the correct amount that are the result of replacement issuances made in accordance with Section 63-603. Overissuances and unauthorized issuances for which CWDs are liable include, but are not limited to, the following:

.221 Single unmatched issuances;

.222 Duplicates made that are not in accordance with Section 63-603; and

.223 Transacted authorization documents that are altered, counterfeit, from outside of the CWD, or expired (including those unsigned by the designated household member and/or not date stamped by the issuer).

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 276.2

Amend Section 63-206.3, renumber and restructure Sections 63-206.35 through .354 as Sections 63-206.44 through .442(b), and renumber Sections 63-206.36, .37, and .38 to Sections 63-206.35, .36, and .37, respectively, to read:

63-206 LIABILITIES (Continued)

63-206

.3 Coupon and Cash Liabilities

CWDs shall be strictly liable for the face amount of all coupon shortages and losses that occur after the coupons have been accepted by the CWDs' receiving point(s) and that occur during storage or the movement of coupons between the CWDs' bulk storage points and issuance offices. Such coupon shortages and/or losses include, but are not limited to, any of the following: (Continued)

~~/.37.44~~ (Continued)

.365 (Continued)

.376 (Continued)

.387 (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 276.2.

Renumber current Section 63-206.4 to Section 63-206.5, adopt Section 63-206.4 through .43, amend renumbered Sections 63-206.44 and .442(b) to read:

63-206 LIABILITIES (Continued)

63-206

.4 Issuance losses for which CWDs shall be strictly liable include but are not limited to the following:

.41 Issuances which cannot be supported by the required documentation;

.42 Issuances made to households not currently certified;

.43 Issuance loss during an official investigation, unless the investigation was approved by FNS prior to the loss;

.3344 Mail issuance losses that exceed either of the ~~approximate~~ following tolerance levels ~~set forth in~~ ~~section 33-206/331 and /332~~ as appropriate:

.33441 (Continued)

.33442 (Continued)

/333 (a) (Continued)

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/334 (b) FNS will assume financial liability for all coupons lost in the mail if the coupons were issued in accordance with required policies and procedures ~~except as specified~~ in ~~section 33-206/331 or /332~~ and the loss did not exceed the specified tolerance levels.

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Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 276.2.

Renumber Sections 63-206.4 and .44 through Sections 63-206.5 through .54, respectively; repeal Sections 63-206.45 through .48; and amend Sections 63-206.5 and .51 through .54 to read:

63-206 LIABILITIES (Continued)

63-206

.45 Reporting of Coupon and Mail Issuance Liabilities

The CWD's shortages and losses shall be determined from the Food Coupon Accountability Report Form (FNS-250 10/78) and its supporting documents and the Issuance System Reconciliation Report Form (FNS-46 8/89). The CWD's mail loss liability shall be computed using data from the Food Stamp Mail Issuance Report form (FNS-259 5/83). These reports shall be reviewed and adjusted as follows:

- .451 The CWD shall review all statements of account for FNS-250 liabilities billing letters for liabilities on these reports to ensure that the amount to be adjusted is correct. If the CWD does not agree with the alleged liability, a written rebuttal to the disputed amount of liability shall be submitted to SDSS within two weeks from the date of the billing letter. The rebuttal shall include the CWD's adjusted liability together with justification for that amount.
- .452 Failure to provide a written response within the two-week period will be handled in accordance with section 63-206.23 shall result in the CWD Food Stamp Program administrative advance being adjusted by the billed amount. If the CWD's failure to respond timely precludes SDSS's opportunity to appeal to FNS, the obligation in the amount specified shall be deemed correct and final.

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- .453 CWD liabilities for inventory and issuance losses identified on the form FNS-250 will be adjusted by an offset from the County CWD's Food Stamp Program administrative advance. These offset adjustments will be identified as "FNS-250 Liabilities," "FNS-46 Liabilities" or "FNS-259 Liabilities". Prior to the adjustment, a statement of account reflecting the exact amount of liability identified on the FNS-250 will be provided the CWD.

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.454 The CWD shall report coupon inventory and issuance activity on the FNS-250/ Food Coupon Accountability Report/ prepare and submit the FNS-250 in accordance with Fiscal Handbook Section 25-1030; the FNS-46 in accordance with Fiscal Handbook Section 25-1010; and the FNS-259 in accordance with Fiscal Handbook Section 25-1040.

145 The CWD shall review all adjustment letters for FNS-259 liabilities/ to ensure that the amount to be adjusted is correct/ If the CWD does not agree with the adjusted amount/ a written rebuttal to the disputed amount of liability shall be submitted to SPSS within two weeks from the date of the adjustment letter/ The rebuttal shall include the CWD's adjusted liability together with justification for that amount/

146 Failure to provide a written response within the above two-week period shall be handled in accordance with Section 83-206/23/

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147 CWD liability for excessive mail losses identified on the form FNS-259 will be adjusted by an offset from the county's Food Stamp Program Administrative Advance/

HANDBOOK ENDS HERE

148 The CWD shall report mail issuance activity on the FNS-259/ Food Stamp Mail Issuance Report/ in accordance with Fiscal Handbook Section 25-1040/

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 276.2.

Renumber Sections 63-206.5 and .51 through .54 to Sections 63-206.6 and .61 through .64, respectively. Amend Sections 63-206.61, .611, .612, .63, and .64 to read:

63-206 LIABILITIES (Continued).

63-206

.§6 Photo ID

.§61 CWDs shall include in any contract with an issuing agent a provision establishing the agent's strict liability ~~to §§§~~ for the face value of coupons issued in any ~~ATP~~ authorization document transaction when:

.§611 ~~The ATP~~ authorization document is found to have been stolen or otherwise not received by the household; and

.§612 ~~The~~ CWD or issuing agent's cashier has not recorded the serial number of the photo ID card on the ~~ATP~~ authorization document, or the person presenting the ~~ATP~~ authorization document is not pictured on the ID card as specified in Sections 63-~~§§2/§§§~~ ~~and~~ 4§2/ 504.85.

.§62 (Continued)

.§63 The strict liability referred to in Section 63-206.§61 shall apply (to counties or parts of counties) notwithstanding the fact that FNS previously granted waiver(s) of provisions of the photo ID requirements.

.§64 In CWDs using a ~~ATP~~ direct access system the strict liability~~§§§~~ conditions of Sections 63-206.§61, .§62, and .§63 apply in a like manner.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 271.2.

Amend Sections 63-301.2, .531(a) and (b) to read:

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued) 63-301

.2 Opportunity to Participate

An opportunity to participate consists of providing households with coupons, an authorization document, or an access device and having an issuance facility open and available for the household to obtain its allotment. If the ATP or coupons, authorization document or access device are mailed, two days the CWD shall be allowed assure that the benefits can be transacted or the coupons are available for use after receipt, but before for delivery before determining if the household has been provided an opportunity to participate within the 30-day standard expires (see Section 63-102 c. (5)). A household has not been provided an opportunity to participate if the ATP coupons, authorization document or access device or allotment is are mailed on the 29th or 30th day. Nor has an opportunity to participate been provided if the ATP authorization document or access device is mailed on the 28th day but no issuance facility is open on the 30th day. The CWD shall mail the ATP at least two days in advance of the 30th day and assure that the ATP can be transacted after it is received but before the 30-day standard expires.

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued) 63-301

.5 (Continued)

.53 (Continued)

.531 Expedited Service Households

- (a) For households entitled to expedited service at initial application, the CWD shall make the ATP authorization document, access device or coupon available to the recipient either by mail or for pick up at the household's request, no later than the third calendar day following the date the application was filed. For purposes of this section, a weekend (Saturday and Sunday) shall be considered one calendar day. However, if the third calendar day is a nonworking day when coupons cannot be issued, the CWD shall make coupons available on or before the working day immediately preceding the nonworking day.

Whatever system a CWD uses to ensure meeting this delivery standard/ shall be designed to allow a reasonable opportunity for redemption of ~~ATP~~ an authorization document or use of an access device no later than the third calendar day following the day the application was filed.

HANDBOOK BEGINS HERE

(1) (Continued)

HANDBOOK ENDS HERE

- (b) For households that are being recertified or applying after less than a one-month break in certification and which are entitled to expedited service, the CWD shall make the ~~ATP~~ authorization document, access device or coupons available to the recipient either by mail or for pick up at the household's request, no later than the third calendar day following the date the application is filed or by the household's normal issuance cycle in the new certification period, whichever is later. The third calendar day shall be determined in accordance with Section 63-301.531(a).

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 271.2 and 7 CFR 274.2.

Amend Sections 63-402.612 and .613 to read:

63-402 HOUSEHOLD CONCEPT (Continued)

63-402

.6 Authorized Representatives (Continued)

.61 (Continued)

.612 Obtaining ~~the coupons/~~ benefits

An authorized representative may be designated to obtain ~~coupons~~ benefits. These designations shall be made at the time the application is completed and any authorized representative shall be named on the ID card.

(a) The authorized representative for coupon issuance may be the same individual designated to make application for the household or may be another individual.

(b) Even if a household member is able to make application and obtain ~~coupons~~ benefits, the household should be encouraged to name an authorized representative for obtaining ~~coupons~~ benefits in case of illness or other circumstances which might result in an inability to obtain ~~coupons~~ benefits. The household may also designate an emergency authorized representative at a later date. An emergency authorized representative is someone who obtains coupons when neither a household member nor the authorized representative is able to obtain them because of unforeseen circumstances. The CWD shall provide for a system, which meets the requirements of section 83702, to permit the designation, in writing, of an emergency authorized representative to obtain coupons.

.613 Using the coupons/

THE AUTHORIZED REPRESENTATIVE MAY USE COUPONS TO PURCHASE FOOD FOR THE HOUSEHOLD'S CONSUMPTION/ WITH THE FULL KNOWLEDGE AND CONSENT OF THE HOUSEHOLD/ PROVIDED THE AUTHORIZED REPRESENTATIVE HAS THE HOUSEHOLD'S ID CARD. A household may authorize any household member or a nonmember to use its ID card and coupons to purchase food or meals for the household. Individuals disqualified from the Food Stamp Program because of their commission of an intentional Program violation may act as an authorized representative only if no other representative can be found.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 274.5.

Adopt Section 63-402.614 to read:

63-402 HOUSEHOLD CONCEPT (Continued)

63-402

.6 (Continued)

.61 (Continued)

.614 Emergency authorized representative for obtaining benefits.

A household shall be permitted to designate an emergency authorized representative to obtain the household's allotment for a particular month when none of the persons specified on the ID card is available.

(a) A household member named on the ID card shall designate the emergency authorized representative. The designation authorizing the issuance of the household's benefits to the emergency authorized representative shall include the signature of the emergency authorized representative and the signature of that household member. The signature of the household member shall attest to the validity of the signature of the emergency authorized representative.

(1) The designation may be made on the ID card, authorization document or a separate form developed by the CWD for this purpose.

or

(2) A separately written and signed statement from the head of household or his/her spouse, also signed by the emergency authorized representative, may be used by the household.

(b) The household shall not be required to travel to a food stamp office to execute an emergency designation.

(c) The emergency authorized representative shall present the signed designation and the household ID card in order to obtain the allotment.

(d) A separate written designation is required each time an emergency representative is authorized.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 274.5 and .10.

Amend and renumber Section 63-402.621 to Sections 63-402.621(a) and (b) and amend Section 63-402.622(a) to read:

63-402 HOUSEHOLD CONCEPT (Continued)

63-402

.6 (Continued)

.62 (Continued)

.621 The residents of drug or alcoholic treatment centers shall apply and be certified for Food Stamp Program participation through the use of an authorized representative who shall be an employee of and designated by the institution that is administering the treatment and rehabilitation program.

(a) The institution shall ~~apply on behalf of each addict or alcoholic and shall~~ receive and spend the coupon allotment for food prepared by and/or served to the ~~addict or alcoholic~~ residents of the center who are participating in the Food Stamp Program. ~~The institution shall be responsible for complying with the requirements set forth in Section 63-402.621.~~

(b) Each resident participating in the treatment program shall be certified as a one person household without regard to a spouse and/or family members who may or may not reside at the treatment center.

.622 (Continued)

(a) If a resident applies through the facility as the authorized representative, the head of the group living arrangement may either receive and spend the coupon allotment for food prepared by and/or served to the eligible resident or allow the eligible resident to use all or any portion of the allotment on his/her own behalf.
(Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 274.5.

Renumber Section 63-402.64 to .63; renumber and amend Sections 63-402.63, .641, .642, and .645 to Sections 63-402.631, .632, .633 and .633(a), and .634, respectively; and include Handbook Section 63-402.633(b) to read:

63-402 HOUSEHOLD CONCEPT (Continued)

63-402

.6 (Continued)

.643 Restrictions/

The following restrictions apply to authorized representatives:

.631 Nonhousehold members/ In the event the only adult living with a household is classified as a nonhousehold member as defined in this section 63-402/2, that individual may be the authorized representative for the minor household members.

.64132 CWD employees who are involved in the eligibility determination and/or issuance processes and regularly employees of authorized food firms and meal services that are authorized to accept food coupons may not act as authorized representatives without the specific written approval of the designated CWD official and only if that official unless the CWD determines that no one else is available to serve as an authorized representative.

.64233 An individual disqualified for an intentional Program violation shall not act as an authorized representative during the period of disqualification, unless the individual disqualified is the only adult member of the household able to act on its behalf and the CWD has determined that no one else other representative is available to serve as an authorized representative.

(a) The CWD shall separately determine whether these individuals are needed to apply on behalf of the household, to obtain coupons, and to use the coupons for to purchase food for the household. For example, the household may have an authorized representative to obtain its coupons each month, but not be able to find anyone to purchase food regularly with the coupons. If the CWD also is unable to find anyone to

serve as an authorized representative to purchase food regularly with the coupons/ the disqualified member shall be allowed to do so/

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- (b) For example, the household may have an authorized representative designated to obtain its coupons each month, but not be able to find anyone to purchase food regularly with the coupons. If the CWD is also unable to find anyone to serve as the household's representative, the disqualified member shall be allowed to serve as a representative and purchase food for the household using its coupons.

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.64834 Meal providers for the homeless/ as defined in Section 87-102a// shall not be allowed to act as authorized representatives for homeless food stamp recipients.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 274.5.

Renumber and amend Section 63-402.643 to Sections 63-402.64, .641, .642, .643, .644, and .644(a), (b), and (c) to read:

63-402 HOUSEHOLD CONCEPT (Continued)

63-402

.6 (Continued)

.643 CWD Responsibilities.

.641 The CWD shall insure that authorized representatives are properly designated.

.642 The name of the authorized representative shall be contained in the household's case file.

.643 Limits shall not be placed on the number of households an authorized representative may represent.

.644 In the event employers, such as those that employ migrant or seasonal farmworkers, are designated as authorized representatives or that a single authorized representative has access to a large number of ~~ATF's~~ authorization documents access devices or coupons, the CWD shall exercise caution to assure that:

(a) ~~The~~ Each household has freely requested the assistance of the authorized representative;

(b) ~~The~~ Each household's circumstances are correctly represented and the household is receiving the correct amount of benefits; and

(c) ~~that~~ The authorized representative is properly using the coupons. ~~CWDs which suspect authorized representatives of not properly using coupons, should report the circumstances to FMS and DSS.~~

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 274.5.

Renumber and amend Section 63-402.644 to Sections .65, .651, and .652 to read:

63-402 HOUSEHOLD CONCEPT (Continued)

63-402

.6 (Continued)

.6445 Disqualification.

.651 CWD/s which have obtained evidence that an authorized or emergency representative has misrepresented a household's circumstances and ~~has~~ knowingly has provided false information pertaining to the household, or has ~~made improper~~ used ~~of~~ coupons improperly, may disqualify that ~~authorized~~ representative from participating as an ~~authorized~~ representative in the Food Stamp Program for up to one year, except as specified in Section 63-402.652 for treatment centers and group living arrangements. The CWD shall send written notification to the affected households and the ~~authorized~~ representative 30 days prior to the date of disqualification. The notification shall include:

- (a) ~~The~~ proposed action;
- (b) ~~The~~ reason for the proposed action;
- (c) ~~The~~ household's right to request a state hearing;
- (d) ~~The~~ telephone number of the office; and
- (e) ~~If~~ possible, the name of the person to contact for additional information.

.652 ~~This provision is not applicable in the case of~~ Drug and alcoholic treatment centers and the heads of those group living arrangements which act as authorized representatives for their residents, and who intentionally misrepresent households' circumstances, are not disqualified but may be prosecuted under applicable State fraud statutes for their acts. (See Section 63-503.477 for provisions regarding the misuse of coupons by drug and alcohol treatment centers.)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 274.5.

Renumber Sections 63-503.475(a), (b), and (c) to Sections 63-503.475, (a) and (b), respectively; renumber Sections 63-503.485(a), (b), (c), and (d) to Sections 63-503.485, (a), (b), and (c), respectively. Amend Sections 63-503.474, .475, .484, and .485 to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT 63-503
LEVELS (Continued)

.4 (Continued)

.47 (Continued)

.474 The treatment center shall notify the CWD, as provided in Section 63-505.2, of changes in the household's income or other circumstances and ~~of~~ when the addict or alcoholic leaves the treatment center. The treatment center shall return a household's ~~ATP~~ authorization document, access device or coupons received after the household has left the center.

.475 ~~a/~~ When the household leaves the center, the center shall provide the resident household with their county issued Food Stamp ID card, access device and or any untransacted ATP cards authorization documents. The household, not the center, shall be allowed to sign for and receive any ~~remaining~~ authorized benefits reflected on remaining in WFR cards a direct access issuance system. The departing household shall also receive its full allotment if already issued and if no coupons have been spent on behalf of that individual household. These procedures are applicable any time during the month. However, if the coupons have already been issued and any portion spent on behalf of the individual, and the household leaves the treatment and rehabilitation program prior to the 16th day of the month, the treatment center shall provide the household with one-half of its monthly coupon allotment. If the household leaves on or after the 16th day of the month and the coupons have already been issued and used, the household does not receive any coupons.

(b a/) (Continued)

(b b/) (Continued)

.476 (Continued)

.477 The institution may be penalized or disqualified if it is determined administratively or judicially that coupons were misappropriated or used for purchases that did not contribute to a certified household's meals. (See Section 63-402.652 for provisions regarding the misrepresentation of household's circumstances by drug and alcohol treatment centers.) Procedures for taking action shall be as follows:
(Continued)

.48 (Continued)

.484 If the resident has made application on his/her own behalf, the household is responsible for reporting changes to the CWD as provided in Section 63-505.22. If the group living arrangement is acting in the capacity of an authorized representative, the group living arrangement shall notify the CWD, as provided in Section 63-505.22, of changes in the household's income or other household circumstances and when the individual leaves the group living arrangement. The group living arrangement shall return any household's ~~ATP card~~ authorization document, access device, or coupons to the CWD if they are received after the household has left the group living arrangement.

.485 ~~4/~~ When the household leaves the facility, the group living arrangement either acting as an authorized representative or retaining the use of coupons on behalf of the residents, regardless of the method of application, shall provide residents with their county issued Food Stamp ID card, access device and any untransacted ~~ATP cards~~ authorization documents. Also, the departing household shall receive its full allotment if issued by direct mail and if no coupons have been spent on behalf of that individual household. These procedures are applicable any time during the month. However, if the coupons have already been issued and any portion spent on behalf of the individual, and the household leaves the group living arrangement prior to the 16th day of the month, the group living arrangement shall provide the household with its county issued Food Stamp ID card and one-half of its monthly coupon allotment. If the household leaves after the 16th day of the month and the coupons have already been issued and used, the household does not receive any coupons.

If a group of residents have been certified as one household and have returned coupons to the facility to use, the departing residents shall be given a pro-rata share of one-half of the household's monthly allotment if leaving prior to the 16th day of the month.

(b)(1) (Continued)

(b)(2) (Continued)

(b)(3) (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 271.2.

Amend Sections 63-504.422(b), .71, .711, .712, .73, .74, .84, and .863 to read:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING
ELIGIBILITY (Continued)

63-504

.4 (Continued)

.42 (Continued)

.422 Increase in Benefits

(a) (Continued)

- (b) For changes which result in an increase in a household's benefits due to the addition of a new household member who is not a member of another certified household, or due to a decrease of \$50 or more in the household's gross monthly income, the CWD shall make the change effective not later than the month following the month in which the change is reported. If the change is reported after the 20th day of the month and it is too late for the CWD to adjust the following month's allotment, the CWD shall issue a supplementary ~~ATP~~ authorization document or otherwise provide an opportunity for the household to obtain the increase in benefits by the 10th day of the following month, or the household's normal issuance cycle in that month, whichever is later. (Continued)

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING
ELIGIBILITY (Continued)

63-504

.7 Identification (ID) Cards

- .71 The CWD shall issue an ID card to each certified household as proof of eligibility. The ID card may be serially numbered at the CWD's option, except as provided in Section 63-504.84. ID cards shall be issued in the name of the household member who is authorized to receive the household's issuance. ~~A household member and any authorized representative~~ Any person listed on the ID card shall sign the ID card prior to using it.

.711 If the household does not name an authorized representative, the CWD shall void ~~that~~ area of the ID card to prevent names and signatures from being entered at a later date.

.712 The CWD shall place an expiration date ~~only~~ on those ID cards issued to households that have been certified for delivered meals for a temporary period or any other temporary ID cards issued by the CWD. (Continued)

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING
ELIGIBILITY (Continued)

63-504

.7 (Continued)

.73 Mailing ID Cards

ID cards delivered to a household by mail shall not be mailed in the same envelope with an ~~ATP~~ authorization document, access device, or coupons.

.74 Issuance/Replacement of ID Cards

The CWD shall limit issuance of ID cards to the time of initial certification, with replacements made only in instances of loss, mutilation, destruction, changes in persons authorized to obtain or use coupons, or when the ID card format or system changes. Whenever possible, the CWD shall collect the ID card being replaced. (Continued)

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING
ELIGIBILITY (Continued)

63-504

.8 (Continued)

.84 Requirements of Photo ID Cards

.841 In counties mandated to use photo ID cards, the CWD shall issue photo ID cards containing at a minimum the requirements of Section 63-504.7 and the following:

/841(a) A color photograph of the person who will obtain the household's coupons,

/842(b) (Continued)

/843(c) (Continued)

/844(d) (Continued)

.842 A photo ID card used to receive benefits under a welfare or public assistance program may be adapted for Food Stamp Program purposes if it meets the requirements of these regulations and can be annotated to indicate Food Stamp eligibility. (Continued)

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING
ELIGIBILITY (Continued)

63-504

.8 (Continued)

.86 Issuance of Photo ID Cards (Continued)

.863 The CWD shall replace photo ID cards/ ~~in accordance with~~ when a new card is needed to update the photograph and as specified in Sections 63-504.74/ and ~~in addition, when a new card is needed to update the photograph~~ 63-602.521.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 271.2 and 7 CFR 274.10.

Amend and renumber Sections 63-601.1 and .211 to read:

63-601 COUNTY WELFARE DEPARTMENT RESPONSIBILITIES

63-601

.1 Basic Issuance Requirements

.11 Delivery of Benefits

Each CWD is responsible for the timely and accurate issuance of benefits to certified eligible households ~~in accordance with as specified in~~ these regulations. Households comprised of elderly or disabled members who have difficulty reaching an issuance office to obtain their coupon allotment, and households which do not reside in a permanent dwelling or at a fixed mailing address, shall be given assistance in obtaining their benefits. CWDs shall assist these households by arranging for mail issuance ~~or direct delivery~~ of benefits to them; by assisting the households in finding authorized representatives who can act on their behalf; or by using other appropriate means to assure delivery of benefits.

.12 Issuance and Accountability Systems

The CWD shall establish an issuance and accountability system which will ensure that:

~~.1121~~ Only certified eligible households receive benefits;

~~.112~~ ~~ALL certified households have access to their benefits;~~

~~.1223~~ Program ~~B~~enefits are timely distributed in the correct amount;

~~.1234~~ Coupons are accepted, ~~and~~ stored and protected with due security after ~~their~~ delivery to receiving points within the county; and

~~.1243~~ (Continued)

63-601 COUNTY WELFARE DEPARTMENT RESPONSIBILITIES
(Continued)

63-601

.2 (Continued)

.21 (Continued)

.211 Retail Food Stores

(d) The CWD may shall not enter into an issuance/storage agent contract with a retail food store that is authorized to redeem firm unless the CWD provides evidence to SDSS that such an arrangement is needed to maintain or increase the efficient and effective operation of the Food Stamp Program. Additionally/ issuance/storage activities shall not be delegated to any entity in the same interrelated corporate structure with an authorized retail food store/ however, such contracts will be allowed if there is no other reasonable alternative for food coupon issuance/storage and the contractor is fiscally autonomous/ physically separate/ and employs a different trade name from the retail store/

(b) The CWD also shall not delegate issuance/storage activities to firms located inside a retail food store, except that the CWD may contract with a bank or credit union located in such facilities if it is financially independent of the retail grocer and is chartered under federal or state law.

(a) Coupons may be issued inside a retail food store if the issuance is performed by a bank, credit union, or other financial organization independent of the retail store.

(b) Coupons may be issued on-site by a retail store under the following conditions:

(1) The CWD can document that there will be a hardship, not just an inconvenience, to recipients if the retail store is not permitted to issue coupons on-site; or

(2) In the absence of hardship documentation, a retail food firm may perform issuance activities as a subcontractor to a bank, credit union, or other independent financial organization, if there is strict oversight by the financial organization.

Authority Cited: Sections 10554 and 18904, Welfare and
Institutions Code.

Reference: 7 CFR 274.1 and .2.

63-601 COUNTY WELFARE DEPARTMENT RESPONSIBILITIES
(Continued)

63-601

14 DESTRUCTION OF UNUSABLE COUPONS

141 THE COUNTY SHALL EITHER REQUIRE COUPON ISSUERS AND BULK STORAGE POINTS TO SEND UNUSABLE COUPONS TO THE COUNTY FOR DESTRUCTION OR HOLD THE UNUSABLE COUPONS IN SECURE STORAGE PENDING EXAMINATION AND DESTRUCTION BY THE COUNTY AT THE COUPON ISSUER OR BULK STORAGE POINT LOCATION. AFTER VERIFICATION OF THE REPORTS FROM THE COUPON ISSUERS AND BULK STORAGE POINTS, THE COUNTY SHALL DESTROY IMPROPERLY MANUFACTURED OR MUTILATED COUPONS OR COUPON BOOKS RECEIVED FROM OR STORED AT THE LOCATION OF THE COUPON ISSUERS AND BULK STORAGE POINTS, AND UNUSABLE COUPONS OR COUPON BOOKS RETURNED BY HOUSEHOLD, PROVIDED THAT:

1411 IT HAS BEEN DETERMINED THAT THE VALUE OF COUPONS DOES NOT EXCEED \$300 PER COUPON ISSUER OR BULK STORAGE POINT FOR ANY MONTH, AND

1412 THE COUNTY HAS DETERMINED THAT THE COUPONS WERE IN FACT IMPROPERLY MANUFACTURED OR MUTILATED.

142 THE COUNTY SHALL DESTROY THE COUPONS AND COUPON BOOKS BY BURNING, SHREDDING, TEARING, OR CUTTING SO THEY ARE NOT RECOVERABLE. TWO COUNTY OFFICIALS SHALL WITNESS AND CERTIFY THE DESTRUCTION AND FORWARD THE FORM FMS 136, CERTIFICATE OF DESTRUCTION OF FOOD COUPONS, WITH THE FORM FMS 230.

143 IF THE VALUE OF THE COUPONS TO BE DESTROYED EXCEEDS \$300 PER COUPON ISSUER OR BULK STORAGE POINT PER MONTH, THE COUNTY SHALL REQUEST FMS APPROVAL PRIOR TO ANY DESTRUCTION OF THE COUPONS.

144 IF THE COUPON ISSUER, THE BULK STORAGE POINT OR THE COUNTY CANNOT DETERMINE WHETHER COUPONS OR COUPON BOOKS WERE IN FACT IMPROPERLY MANUFACTURED OR ESTABLISH THE VALUE OF THE COUPONS INVOLVED, THE COUNTY SHALL PROMPTLY FORWARD A WRITTEN STATEMENT OF FINDINGS AND THE CANCELED COUPON(S) OR COUPON BOOK(S) TO FPM&S FOR A DETERMINATION.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 274.7.

Renumber and amend Section 63-602.1 to read:

63-602 ISSUANCE SYSTEMS

63-602

.1 System Classifications

.11 Types of Issuance Systems

~~Each~~ CWDs shall provide both over-the-counter and mail issuance delivery systems unless a waiver for one of these ~~methods~~ is granted as specified in Section 63-602.142. CWDs may issue food coupons in accordance with the following issuance systems:

/111 A household issuance record (HIF) card system in which the authorizing document is maintained at the issuance office;

/112 An authorization to participate (ATP) system in which an authorizing document is distributed on a monthly basis to the household and surrendered to the coupon issuer when coupons are obtained;

/113 A non-ATP coupon mailout system; or

/114 An SDDS approved automated issuance system;

The automated issuance system shall meet the accountability requirements established in Division 83 of the Manual of Policies and Procedures.

.111 Authorization Document System

An authorization document system is one that uses an authorization document which is produced for each month's issuance. The authorization document may be distributed on a monthly basis to each household and surrendered by the household to the coupon issuer, or provided monthly to issuers with either single or multiple household authorizations on each document. Systems of this type include a regular mail issuance system which uses authorization documents as an intermediary step in mail issuance. The authorization document shall contain the following:

(a) Serial number;

(b) Case name and address;

- (c) Case number;
- (d) Allotment amount;
- (e) Benefit month or expiration date;
- (f) Project area; and
- (g) Space for signature of household member.
(An additional space for an authorized
representative may be included.)

.112 Mail Issuance System

A mail issuance system is one that directly delivers coupons through the mail to households.

.113 Direct Access System

A direct access system is one in which benefits are issued directly to the household without the use of an authorization document, based on the issuance agent's direct access to information in the household's individual record on the master issuance or record-for-issuance file. This system shall use either a manual card or automated access to the master issuance or record-for-issuance file. Systems of this type include, but are not limited to, a manual household issuance record (HIR) card system and an automated system using on-line issuance terminals (e.g., Food Stamp On-Line Issuance Systems/FSOLIS).

112 Food Stamp On-Line Issuance System (FSOLIS)

- (a) CWDs with 2,000 or more food stamp households shall use an SDSS approved FSOLIS for over-the-counter issuances unless SDSS determines that a FSOLIS is not cost effective.
- (b) CWDs with fewer than 2,000 food stamp households may use a FSOLIS for over-the-counter issuances if a cost benefit analysis, including all cost data elements, is submitted to and approved by SDSS.

Additionally, CWDs with 2,000 or more households shall submit a cost benefit analysis to SDSS (see Section 87-041) that shall:

1121 Meet Division 28 EDP cost benefit analysis requirements/

1122 Include all costs associated with their existing methodology of issuance and all costs to develop/ implement/ and operate a FSOVIS which meets state requirements/ and

1123 (c) Any cost benefit analysis submitted shall be in a format prescribed by SDSS.

112 ANNUAL COUNTY FOOD STAMP QUESTIONNAIRE

THE ESPMP/SDSS SHALL BE INFORMED OF WHATEVER ISSUANCE SYSTEMS/ IS/ARE USED VIA THE ANNUAL FOOD STAMP QUESTIONNAIRE/

142 Waiver of Mail or Over-the-Counter Issuance

.1421 CWDs may request a waiver of mail issuance from SDSS. In requesting the waiver, the CWD shall document that the remaining over-the-counter issuance delivery system would not impair the ability of eligible households to obtain food coupons. In order to obtain approval for mail issuance waiver requests, the CWD shall have an adequate number of over-the-counter sites to provide reasonable access to recipients. The proposed system shall also be designed to efficiently and effectively meet the requirements for expedited services, Section 63-301.5/ and coupon replacements, Section 63-603.

.1422 CWDs may request a waiver of over-the-counter issuance from SDSS. In requesting the waiver, the CWDs shall document that the remaining mail issuance system would not impair the ability of eligible households to obtain food coupons. The remaining system shall be designed to efficiently and effectively meet the requirements for expedited services/ Section 63-301.5/ and coupon replacements. Section 63-603. The system shall be designed to minimize the possibility of mail losses.

.1423 (Continued)

.1424 (Continued)

.1425 (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and
Institutions Code.

Reference: 7 CFR 274.3.

Repeal Section 63-602.21, renumber Section 63-602.23 to Section 63-602.21 and amend to read:

63-602 ISSUANCE SYSTEMS (Continued)

63-602

.2 General Issuance Provisions

121 Identification IDY Cards

The CWD shall be required to meet all the requirements for ID card usage as specified in section 63-604. In addition, if the CWD is mandated to have photo ID cards, the requirements specified in section 63-604.8 shall be met. If the photo ID card appears to be mutilated or altered, the cashier shall not issue the coupons, but shall advise the household to obtain a replacement photo ID card from the CWD.

.211 MIF Master Issuance File

1211 All counties CWDs shall establish a MIF master issuance file as defined in Section 63-102 which is a composite of the issuance records of all certified food stamp households. The county CWD shall establish the MIF master issuance file in a manner compatible with the system used for maintaining case records and divide separate information on the MIF master issuance file into active and inactive cases file categories.

.211 The MIF master issuance file shall contain all the information needed to identify certified households, issue ATPs benefits, record the participation activity for each household and supply all information necessary to fulfill the reporting requirements of FNS.

.212 The MIF master issuance file shall be kept current and accurate. Cases will it shall be updated or terminated, based upon and maintained through the use of documents such as notices of change and controls for expired certification periods.

.213 Before establishing a record for a participating household entering a household's data on the master issuance file, the county CWD shall check review the MIF master issuance file to ensure that the household is not currently participating in, or disqualified from, the Food Stamp Program.

(a) If ~~the~~ ATP an authorization document is issued or benefits authorized in a direct access issuance system under ~~the~~ expedited service requirements of 83-70118, the ~~county~~ CWD shall ~~complete~~ review as much of the ~~NYR~~ master issuance file ~~check~~ as possible prior to the issuance of the ATP authorization document or the authorization of benefits.

(b) Any uncompleted checks reviews shall be completed after issuance of ~~the~~ ATP and appropriate corrective action shall be taken to recover overissuances/ if necessary.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 274.3.

Repeal and adopt Sections 63-602.22 and .24 and adopt Sections 63-602.23 and .25 to read:

63-602 ISSUANCE SYSTEMS (Continued)

63-602

.2 (Continued)

122 Certification Documentation

THE COUNTY USE EITHER A NOTICE OF CHANGE (DEA 288) OR AN MTR CARD TO DOCUMENT AND TRANSMIT INFORMATION ON HOUSEHOLD ELIGIBILITY OR PARTICIPATION FROM THE CERTIFICATION UNIT TO THE DATA MANAGEMENT UNIT OF THE COUNTY.

.22 Division of Issuance Responsibilities

CWDs shall divide issuance responsibilities between at least two persons to prevent any single individual from having complete control over all issuance activities.

.221 Responsibilities to be divided include:

- (a) Maintenance of inventory records;
- (b) Assembly of coupon allotments; and
- (c) Preparation of envelopes for mailing.

.222 If issuance functions in an office are handled by one person, a second-party review shall be made to verify coupon inventory, the reconciliation of the mail log and the number of mailings prepared.

.23 Issuance Controls

CWDs shall establish controls to prevent a household from concurrently receiving benefits through more than one issuance system.

124 Issuance of Coupons with Aid Payments

COUNTIES THAT HAD PREVIOUSLY USED THE PUBLIC ASSISTANCE WITHHOLDING METHOD OF ISSUANCE MAY CONTINUE TO ISSUE COUPONS WITH THE AID PAYMENT TO HOUSEHOLDS THAT SO CHOOSE, PROVIDED THAT THE ISSUANCE OF COUPONS IN THIS MANNER DOES NOT RESULT IN INCREASED MAIL LOSSES.

.24 Identification of Types of Issuances

CWDs shall clearly identify issuances in their accountability systems as initial, supplemental, replacement or restored benefits.

.25 Mailing of Benefits

CWDs which issue benefits by mail shall, at a minimum, use first class mail and sturdy nonforwarding envelopes or packages to send benefits to households.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 274.3.

13 ATP Requirements

131 Required Data on the ATP Card

ATPs issued by the county shall contain at a minimum: (1) serial number; (2) case name; address; and food stamp case number; (3) the coupon allotment for the household; (4) expiration date; (5) project area for which the ATP is issued; and (6) space for the signature of the household member or the authorized representative.

132 Issuance of ATPs

1321 Mailing of ATPs

The CWD has the option to either mail the ATP or use an alternate method of ATP delivery except when the ATP is issued as a replacement or under expedited services as specified in section 63-605 and 63-601.5. When the ATP is mailed to the household it shall be mailed in a first class nonreturning envelope. The CWD may also use certified mail for ATP delivery. However it shall use an alternative means for ATP delivery however it shall use an alternative means for ATP delivery for households which report two losses through the mail within a six-month period.

1322 Staggered ATP Issuance

In months when issuance has not been affected by a suspension of allotments, the county may stagger the issuance of ATPs to certified households through the 15th day of the month provided that each household's cycle shall be established so that the household is likely to receive its ATP at the same time every month and it has an opportunity to obtain its coupon prior to the end of the month.

In months in which benefits have been suspended, counties may stagger the issuance of ATPs to certified households following the end of the suspension. In such situations counties may, at their option, stagger the issuance of ATPs from

the date issuance resumes through the 15th of the month if the 15th day of the month has not passed/ or over a five-day period following the resumption of issuances/ This could result in ATPs being issued after the end of the month in which suspension occurred/

1323 Issuance of ATPs on or after the 20th of the month

The CWP shall clearly mark each ATP with an expiration date/ The ATP shall be valid for the entire month of issuance unless an ATP has been issued on or after the 20th day of the month/ ATPs issued on or after the 20th of the month shall not expire for a period of less than 20 calendar days or until the end of the following month/

1324 ATP Usage

Under normal circumstances there will be no reason for counties to issue more than one ATP per month to food stamp households or to provide a variable issuance option/ Counties that wish to provide such an option to minimize recipient hardship must first obtain ESPMB/SPSS approval/

133 ATPs Mutilated During Processing

The county shall void all ATPs mutilated or otherwise rejected during the preparation process/ The voided ATPs shall either be filed for audit purpose or destroyed/ provided destruction is witnessed by at least two persons and the county maintains a list of all destroyed ATPs/

134 ATPs Returned as Undeliverable

The county shall exercise the following security and controls for ATPs returned as undeliverable by the postal service/

1341 Record the ATP serial number/ household name/ and the case number in a control log/

1342 Keep the returned ATPs in secure storage with access limited to authorized personnel while attempts are made to locate the household/

a/ If the household has moved out of the county/ its eligibility may be terminated

immediately/ The issuance office should be notified to void the ATP card/ ATP cards shall not be mailed to the household when it is determined that the household has moved out of the county/

- b/ If the household has moved within the county/ the certification office shall prepare a notice of adverse action (DFA 377/1) and mail it to the old address/ This document is forwardable and the ATP card did not/ The certification office need not take any further action to locate the household as it is the household's responsibility to report such changes in circumstances/

Counties may void ATPs returned as undeliverable so long as households which report nondelivery can be provided immediate replacement ATPs/ The voided ATPs shall either be filed for audit purposes or destroyed/ provided destruction is witnessed by at least two persons and the county maintains a list of all destroyed ATPs/

135 Out-of-County ATP Cards

The acceptance of out-of-county ATP cards by the county is prohibited/ Out-of-county ATP cards accepted in error shall be counted as actual but not documented issuances for which the issuance office is liable/

136 Expired ATPs

If an expired ATP is transacted and there is no evidence to indicate that the ATP was altered/ the value of the stamps shall be considered a cashier's error for which the county is liable/ Such losses shall be reflected on the FMS 250/ In those situations where a transacted ATP was actually stale dated but was accepted due to alteration/ the completion of a claim determination shall be contingent upon a determination of liability by the county/ For example/ the source of an altered ATP card may be the recipient/ Issuance of a claim determination will be contingent upon which party is at fault/

137 Daily Reconciliation

The coupon issuer shall reconcile its issuance activities on a daily basis/

138 Emergency Authorized Representative

1381 The county shall develop a method by which a household may designate an emergency authorized representative to obtain the household's allotment with a particular ATP. At a minimum, the method developed by the county shall require a space for the signature of the emergency authorized representative, and a space for a household member already named on the ID card to sign designating and attesting to the signature of the emergency authorized representative. Spaces for the designation of an emergency authorized representative may be on the ATP or the ID card (front or back) or on a separate form. However, the household shall not be required to travel to a food stamp office to execute designation. Control comparable to that of a normal issuance transaction is achieved in the following manner:

a/ The emergency representative must present the designation, the household's ID, and sign the ATP card. The county will compare the signature of the emergency representative on the issuance document with the emergency representative's signature on the designation, and the household member's signature on the designation with their signature on the ID card to assure that no improper issuance takes place. A separate written designation is needed each time an emergency authorized representative is used.

1382 Prior to coupon issuance, the cashier shall ask the person requesting food stamps for identification as the certified participant/authorized representative or emergency representative. This person shall present to the cashier both the food stamp ID card and the ATP (in counties using ATP systems). The cashier shall examine the ATP for authenticity, alteration, and date of expiration. If the ATP is valid, the person requesting food stamps shall sign the ATP in the presence of the cashier. The cashier shall compare the signature on the ATP with the signature on the ID card. In cases where an emergency representative obtains the coupons, the signature and identification check shall be

governed by county policy as provided in paragraph 1381 of this section. If the person requesting coupons has already signed the ATP, the person shall be required to sign a separate piece of paper for signature comparison. If the signatures agree, coupons shall be issued in accordance with section 63-602-234.

139 Expedited Service (Manual Issuance)

1391 Expedited service shall be provided under the following circumstances, which may require manual issuance of an ATP card outside the normal preparation cycle of the data processing unit when necessary to meet processing time frames:

- a/ Initial issuances of ATP cards to newly-certified households;
- b/ Replacements of ATP cards which have been mutilated, reported lost, stolen, or undelivered in the mail, or which contained an incorrect coupon allotment or other error when prepared by the data processing unit;
- c/ Expedited issuances as specified in section 63-601-5;
- d/ Issuances to household with a 60-day continuation of certification;
- e/ Certification or recertification completed after data processing unit cutoff dates. This includes issuances after the 23rd of the month;
- f/ Emergency food stamp assistance in disasters;
- g/ Replacement of coupons which are reported by the household during the month of issuance as not received.

1392 To minimize the possibility of misuse of manually prepared ATP's, the county shall:

- a/ Divide responsibility for the issuance of the ATP between at least two persons to prevent a single individual from having complete control over both the documents which authorize the issuance of ATPs and the ATPs themselves/
- b/ Record/ immediately/ on the HIR master file/ the serial number and other issuance information from the ATP/
- c/ For initial certifications/ the county shall prevent duplicate or unauthorized participation by checking its records prior to issuing the manual ATP to assure the household is not currently certified for that month or is not disqualified from participation/
- d/ The CWD shall issue a replacement ATP only if the ATP is reported lost/ in the mail/ stolen/ mutilated or destroyed before its expiration date/ as specified in sections 63-603/1 and 63-603/2/

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 274.3.

Adopt Section 63-602.3 to read:

63-602 ISSUANCE SYSTEMS (Continued)

63-602

.3 Validity Periods

CWDs shall establish validity periods for issuance made in authorization document and direct access issuance systems.

.31 The validity period begins the day a household is issued its authorization document or is authorized to pick up its issuance at an issuance point.

.311 Validity periods beginning before the 20th day of the issuance month shall continue until the end of that issuance month. However, when a household receives two allotments at one time as specified in Section 63-503.16, the validity periods shall be as follows:

(a) If a CWD elects to issue or authorize a combined allotment for the first and second months, the validity period for the issuance shall continue until the end of the next issuance month.

(b) If a CWD elects to issue or authorize two separate allotments, the validity period for the first allotment shall continue until the end of the issuance month. The validity period for the second allotment shall continue until the end of the next issuance month.

.312 Validity periods beginning on or after the 20th day of the issuance month shall be extended for a period of at least 20 days or until the end of the next issuance month.

.32 CWDs shall not reissue benefits which are not transacted or picked up during the validity period for the issuance. A household which does not transact or pick up its authorized issuance during the validity period for the issuance shall lose its entitlement to the benefits for that period.

Authority Cited: Sections 10554 and 18904, Welfare and
Institutions Code.

Reference: 7 CFR 274.2 and .3.

14 HIR CARD ISSUANCE SYSTEM

141 HIR CARDS

HIR COUNTIES MUST USE FORM DPA 288 UNLESS A ESPMB APPROVED ALTERNATIVE IS UTILIZED.

142 SEPARATION OF RESPONSIBILITY

IN AN HIR CARD ISSUANCE SYSTEM, THE COUNTY SHALL DIVIDE THE ISSUANCE RESPONSIBILITIES AMONG A RECEPTIONIST, CASHIER, AND SUPERVISOR.

143 RECEPTIONIST DAILY TALLY SHEET (DPA 289)

THE RECEPTIONIST SHALL MAINTAIN A SEPARATE DAILY TALLY SHEET IN DUPLICATE FOR EACH CASHIER IN THE ISSUANCE UNIT TO RECORD THE INDIVIDUAL ISSUANCE TRANSACTIONS.

144 CASHIER'S DAILY REPORT (DPA 293)

THE ISSUANCE SUPERVISOR SHALL INITIATE AND DISTRIBUTE DAILY, OR AS APPROPRIATE, A CASHIER'S DAILY REPORT FOR EACH CASHIER TO ACCOUNT FOR COUPONS ISSUED.

145 EMERGENCY AUTHORIZED REPRESENTATIVE

THE RECEPTIONIST SHALL CHECK THE ID CARD OF THE PERSON WISHING TO OBTAIN COUPONS AGAINST THE HIR CARD FROM THE HIR MASTER FILE. AN EMERGENCY REPRESENTATIVE MAY BE NEEDED WHEN NONE OF THE PERSONS NAMED ON THE ID IS AVAILABLE TO OBTAIN THE HOUSEHOLD'S COUPONS. THE HOUSEHOLD SHALL NOT BE REQUIRED TO TRAVEL TO THE FOOD STAMP OFFICE TO EXECUTE THE DESIGNATION BUT AN EMERGENCY REPRESENTATIVE MUST PRESENT A SIGNED WRITTEN STATEMENT FROM THE HEAD OF THE HOUSEHOLD OR SPOUSE AUTHORIZING THE ISSUANCE OF FOOD STAMPS FOR THE CERTIFIED HOUSEHOLD. THE EMERGENCY REPRESENTATIVE MUST ALSO SIGN THE WRITTEN STATEMENT FROM THE HOUSEHOLD TO OBTAIN THE ALLOTMENT. CONTROL COMPARABLE TO THAT OF A NORMAL ISSUANCE TRANSACTION IS ACHIEVED IN THE FOLLOWING MANNER:

1451 The emergency representative must present the designation/ the household's ID/ and sign the NIK card/ The county will compare the signature of the emergency representative on the issuance document with the emergency representative's signature on the designation/ and the household member's signature on the designation with their signature on the ID/ to assure that no improper issuance takes place/ If satisfied with the identification/ the receptionist shall select the daily tally sheet of the cashier from whom the household will receive the allotment/ enter information about the transaction/ and initial the NIK card before it goes to the cashier/

146 Issuance Procedure

1461 Upon receipt of the NIK card from the receptionist/ the cashier shall enter the amount of coupons issued and initial the NIK card/ The cashier shall also obtain the participant's signature on the NIK card and compare the signature with that on the ID card/ If the signatures agree/ the cashier shall issue the appropriate coupon allotment/

1462 If the household is required to present a photo ID card/ coupons shall be issued only when the person requesting food stamps is pictured on the photo ID card/ except as specified in section 63-602/451/ The cashier shall write the serial number of the photo ID card on the NIK card/

147 Daily Reconciliation

The coupon issuer shall reconcile daily its issuances using the daily tally sheet and the cashier's daily report/ Daily reconciliation shall involve a comparison of the coupon value authorized by transacted NIK cards and the value of books issued/

148 Staggered Issuance

In months when issuance has not been affected by a suspension of allotments/ counties may stagger the issuance of coupons to certified households through the 15th of the month/ In months in which benefits have been suspended/ counties may stagger the issuance of coupons to households following the end of the suspension/ In which situations/ counties may/ at

their option/ stagger the issuance of coupons from the date issuance resumes to the 15th of the month if the 15th of the month has not passed/ or over a five-day period following the resumption of issuance/ This may result in coupons being issued to certified households after the end of the month in which the suspension occurred/

149 Issuance on or after the 20th

The county shall provide a household certified for program participation on or after the 20th of the month the opportunity to obtain its allotment for at least 20 calendar days or until the end of the following month/

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 274.2.

Adopt Section 63-602.4 to read:

63-602 ISSUANCE SYSTEMS (Continued)

.4 Issuance Schedules

All households shall be placed on an issuance schedule so that they receive their benefits on or about the same date each month. The receipt date of an initial allotment need not be the date on which the household must receive subsequent allotments.

.41 CWDs may stagger the issuance of benefits throughout the entire month as long as no more than 40 days elapse between any two issuances provided to a household participating longer than two consecutive, complete months.

.411 CWDs that use direct mail issuance shall stagger issuances over at least 10 days of the issuance month and may stagger throughout the entire issuance month.

.42 In the months following a suspension of benefits as specified in Section 63-107.3, CWDs may stagger issuance from the date issuance resumes through the end of the month or over a five-day period following the resumption of issuance. This may result in the issuance of benefits after the end of the month in which the suspension occurred.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 274.2.

Adopt Section 63-602.5 to read:

63-602 ISSUANCE SYSTEMS (Continued)

63-602

.5 Over-The-Counter Issuance Procedures

- .51 The cashier shall compare the signatures on the issuance document(s) and on the ID card. If the signatures do not match, the issuance shall not be made.
- .52 If the household is required to present a photo ID card, the cashier shall write the serial number of the photo ID card on the authorization or issuance document.
- .521 If the photo ID card appears to be mutilated or altered, the issuance agent shall not issue the benefits but shall require the household to obtain a replacement ID card from the CWD. If an issuance month elapses before the replacement photo ID card is delivered, the household shall be entitled to any benefits lost as a result of being unable to transact benefits for a particular month.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 274.10.

Renumber and amend Sections 63-602.234 and .235 to Sections 63-602.6, .61, .611, .612; and adopt Sections 63-602.62 and .63 to read:

63-602 ISSUANCE SYSTEMS (Continued)

63-602

12346 Issuance of Coupons to Households

The county CWDs shall issue coupon books in accordance with as specified in the appropriate table coupon book issuance provided by FNS. The table provides participants with an efficient and economical distribution of the available coupons and coupon book types and assists FNS in maintaining proper inventory levels.

.61 The county CWDs may deviate from the table if the specified coupon books are unavailable.

.611 Exceptions from the table are authorized for blind and visually impaired handicapped participants recipients who request that all coupons be of one denomination. The county shall issue the coupon books in consecutive serial number order whenever possible, starting with the lowest serial number in each coupon book denomination. The household member whose name appears on the ID card shall sign the coupon books.

.235612 Recipients who have no fixed address (homeless) and residents of shelters for battered women and children which are not authorized by FNS to redeem through wholesalers may request that all or part of their coupons be of the one dollar denomination. Counties CWDs shall grant this request, where feasible.

.62 CWDs shall issue coupon books in consecutive serial number order whenever possible, starting with the lowest serial number in each coupon book denomination.

.63 The household member whose name appears on the ID card shall sign the coupon books. If more than one name appears, any named household member may sign the books.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 274.2.

63-603 MAIL ISSUANCE

63-603

11 General Provisions

111 Type of Mail Issuance

An ATP mail issuance system is one which uses an authorization document as an intermediate step in mail issuance. A non-ATP mailing system is one which does not use an authorization document. The system, controls and forms designed by the CWP to operate an ATP or non-ATP coupon mail issuance system must be approved by the ESPMB/SPSS and FMS.

112 Mail Issuance Log

The CWP shall establish and maintain a mail issuance log (DFA 300) to record requests for mail issuance and the date and amount of coupons issued.

113 Mail Issuance Controls

All operations involving the maintenance of coupon inventory records, assembly of coupon allotments, envelope stuffing, and preparation of envelopes for mailing shall, if at all possible, be performed by at least two persons. If these functions are performed by one person, a second party review shall be made to verify coupon inventory, the reconciliation of the mail issuance log, and the number of mailings prepared. Offices using prestuffing methods must provide for dual accountability during the stuffing and addressing operations and maintain a perpetual coupon inventory control and mail issuance logs. The CWP shall establish controls which prevent a participant from obtaining coupons through both the mail and over-the-counter issuance systems.

114 Postal Relations

The CWP shall consult with appropriate postal officials concerning the schedule for mailing coupons, the approximate volume and value of the mailings, the type of envelopes to be used, and maintain a liaison with postal officials to facilitate prompt, efficient, and safe delivery of coupon mailings to households.

115 Envelopes

At least first-class mail shall be used in mailing coupon allotments. The coupons shall be mailed in sturdy nonforwarding envelopes or other nonforwarding mailing packages. Envelopes shall not be labeled with wording which implies the contents of the envelope.

116 Coupons Returned Undeliverable

When undelivered coupons are returned by the Postal Service, the Issuance Unit shall:

1161 Note the returned coupons in the Mail Issuance Log (DFA 300) and keep them in secure storage while attempts are made to determine the cause of nondelivery.

1162 If the cause of nondelivery was other than a move by the household (e.g., broken mailbox), remail the coupons or otherwise notify the household how to obtain the coupons.

1163 If the cause of nondelivery was the result of a move by the household, request the certification unit to provide a new address.

a/ If provided, update all relevant office records to reflect the new address, prepare a new envelope, and remail the coupons promptly to the new address. It must be noted in the "Remarks" section of the log that the coupons were remailed and the date of mailing.

b/ If the new address is not provided, nor the recipient located, the Issuance Unit must record this information in its records and retain the coupons until the end of the month in case the household head contacts the county and claims nonreceipt of coupons.

1164 At the end of the month, the Issuance Unit shall return the coupons to inventory that have not been redelivered to the household. The return to inventory shall be noted on the log and on the "Return to Inventory" line form FMS-250, Food Coupon Accountability Report.

117 Renumbered by Manual Letter NO/ FS-87-09, effective 8/1/87.

12 ATP Mail Issuance

121 Request for Mail Issuance

In an ATP mail issuance system, QWDS shall provide the household with a means of requesting mail issuance by the submission of their ATP card. This system may be accomplished by providing a space on the ATP for the recipient to designate mail issuance, or the use of separate form in conjunction with the ATP card. The receipt of the ATP card with the proper designation would constitute a request for mail issuance.

The issuance transaction must be completed provided that the mail issuance request (a signed ATP or a separate form) is postmarked in the issuance month and is received by the mail issuance site by the fifth of the following month.

13 Non-ATP Mail Issuance

QWDS wishing to implement a non-ATP mail issuance system must conform with the provisions outlined in section 807 803.1 as well as the following:

131 Coupon Delivery

1311 In months in which issuance has not been affected by a suspension of allotments, direct mail issuance shall be staggered through the 10th day of the month and may be staggered through the 15th day provided that each household will likely receive its coupons on the same day each month.

1312 A system shall be established to assure that recipients will likely receive their coupons on the same day each month.

1313 QWDS shall ensure that coupons are not mailed to concentrations of households within the same zip code area on the same day.

1314 QWDS may obtain waivers of these requirements by providing the FSPMB/SDSS with adequate documentation to indicate that failure from the mail will not present a significant problem.

1315 In months in which issuance has been suspended, direct mail issuance shall be staggered either from the date issuance resumes following the end of the suspension to the last day left in the country, normal staggering schedule or over a

five-day period beginning the day issuance resumes/ whichever is a longer period of time/ This requirement shall not apply to countries that have received waivers to the mail issuance requirements/

132 Information Statement

CWDS that elect to use this method must submit a DPA 298/ Food Stamp Information Statement/ to reflect this change/ This form must be submitted to FSPMB/SDSS prior to the actual implementation of this method of issuance/

14 HIR Mail Issuance

141 Request for Mail Issuance

In an HIR card system/ the CWD must require that the initial request for mail issuance be submitted in writing/ Thereafter/ Mail Issuance Request Form DPA 301 shall be mailed each month with the coupon allotments of those household participating by mail/ Households may not receive both mail and over-the-counter issuance in any one month/ The form/ therefore/ is valid only during the month it is issued for provided the household has not received coupons over-the-counter during the issuance period/

The issuance transaction must be completed provided that the Mail Issuance Request is postmarked in the issuance month and is received by the Mail Issuance site by the first of the following month/

CWDS may elect not to send Form DPA 301s to households which have initially requested mail issuance but which have not used their DPA 301s/ Households shall be advised of CWD procedures in this regard/ They may/ however/ request again/ either verbally or in writing/ to participate by mail/ and the CWD shall send them the appropriate month's DPA 301s/

142 DPA 301s Returned as 'Undeliverable'

Despite prompt updating of the HIR files/ there will be occasions when Mail Issuance Request Forms (DPA 301) are returned by the post office as undelivered/ Offices receiving undelivered DPA 301s shall exercise reasonably security and accountability controls/ The issuance offices shall maintain a list of all undelivered DPA 301s indicating disposition and shall retain the list for audit and review purposes/

Upon receipt of an undelivered DFA 301, the receiving office shall:

1421 Record the case name on a disposition list;

1422 Place the DFA 301 in secure storage; and

1423 Determine the cause of nondelivery of the DFA 301:

a/ If the cause of nondelivery was the result of a move by the household, contact the household's certification worker for guidance on the action to be taken;

b/ If the cause of nondelivery was other than a move by the household, i.e., a broken mailbox, remind the DFA 301 or otherwise notify the household how it may obtain the Mail Issuance Request, and that it may still purchase coupons over-the-counter/

1424 If the household has moved out of the county, its eligibility must be terminated immediately. The issuance office should be notified to void the DFA 301. DFA 301s shall not be mailed at the household when it is determined that the household has moved out of the county/

1425 If the household has moved within the county, the certification office shall prepare a notice of adverse action (DFA 377/1) and mail it to the old address. This document is forwardable and may reach the household although the DFA 301 did not. The certification office need not take any further action to locate the household as it is the household's responsibility to report such changes in circumstances/

Should the household contact the CWP for its DFA 301, the Mail Issuance Request usually would be reissued on the same basis of issuance. However, the CWP may elect to reissue the DFA 301 based on changed household circumstances, as established at the time of contact, if the new basis of issuance is favorable to the client/

1426 The certification unit (by notice of change (DFA 288) shall notify the issuance unit of termination of, or changes in, the household's basis of issuance as a result of 1424 and 1425 above/

143 "One+person" Issuance service

In a non-personal issuance service an employee performing the duties of both receptionist and cashier the supervisor shall verify the coupon elements and the number of requests prior to mailing.

Authority Cited Sections 10554 and 18904, Welfare and
 Institutions Code.

Reference: 7 CFR 274.3.

Adopt Section 63-603 to read:

63-603 REPLACEMENT ISSUANCES

63-603

.1 Providing Replacement Issuances

CWDs shall provide replacement issuances to households. In an automated direct access issuance system which uses an access device, a replacement authorization shall be provided to households which have either lost benefits or have lost access to their benefits. CWDs shall also replace the access device, if necessary, so that the household can complete further transactions. See Section 63-603.43 for provisions regarding the replacement of access devices.

.11 Allowable Replacements

CWDs shall provide a replacement issuance or authorization, as appropriate, to a household which reports any of the following occurrences.

.111 An authorization document was:

- (a) Not received in the mail;
- (b) Stolen from the mail;
- (c) Stolen after receipt;
- (d) Destroyed in a household misfortune or disaster; or
- (e) Improperly manufactured or mutilated.

.112 Coupons were:

- (a) Not received in the mail;
- (b) Stolen from the mail;
- (c) Destroyed in a household misfortune or disaster, such as, but not limited to, a fire or flood; or
- (d) Improperly manufactured or mutilated.

.113 Food purchase with coupons was destroyed in a household misfortune or disaster.

.114 A partial coupon allotment was received due to an agency issuance error, such as a missing coupon book.

.115 In an automated direct access issuance system using an access device, the initial access device was:

- (a) Not received in the mail;
- (b) Stolen from the mail; or
- (c) Stolen after receipt.

.12 Nonallowable Replacements

CWDs shall not provide a replacement issuance or authorization, as appropriate, to a household which reports any of the following occurrences.

.121 Coupons were lost, stolen or misplaced after receipt.

.122 An authorization document was lost or misplaced after receipt.

.123 Authorization documents or coupons were totally destroyed after receipt in other than a household misfortune or disaster.

.124 Coupons were lost in or stolen from the mail, but were sent by registered or certified mail and were signed for by someone residing with or visiting the household.

.125 Emergency food stamp assistance was received as specified in Section 63-900. The household shall not receive both emergency food stamp assistance and a replacement issuance for a household misfortune or disaster.

.126 In an automated direct access issuance system, an access device reported as lost, misplaced or totally destroyed after receipt was used to transact benefits authorized for the validity period for which a replacement authorization is being requested.

.13 Countable Replacements

A replacement issuance or authorization is considered countable if it results in duplicate benefits being issued or a loss to the Food Stamp Program, except as specified in Section 63-603.145. The following replacement issuances or authorizations are considered countable:

.131 The initial and replacement authorizations or authorization documents are transacted and are not otherwise recouped by the CWD; or

.132 In a photo ID area, the ID serial number of an ID card which is not reported as lost or stolen prior to the replacement matches the number shown on a transacted authorization document.

.14 Noncountable Replacements

A replacement issuance or authorization is considered noncountable if it does not result in duplicate benefits being issued or a loss to the Food Stamp Program, except as specified in Section 63-603.145. The following replacement issuances or authorizations are considered noncountable:

.141 The initial or replacement issuance is returned or otherwise recouped by the CWD;

.142 The initial authorization or authorization document is not transacted;

.143 The replacement authorization or authorization document is not transacted;

.144 The replacement is being issued as a result of a CWD issuance error;

.145 In a Photo ID area, the ID serial number of an ID card reported as lost or stolen prior to the replacement matches the number shown on a transacted authorization document; or

.146 The CWD fails to immediately deactivate an access device reported as lost or stolen and it is used by an unauthorized individual to transact benefits.

.15 Household Reporting Responsibilities

A replacement issuance or authorization shall be provided only if a household timely reports a loss orally or in writing and provides an affidavit as specified in Section 63-603.3. A replacement request shall be considered timely if:

.151 It is made to the CWD within 10 days of the loss; or

.152 In a mail (authorization document or coupon) or a direct access issuance system, it is requested within the validity period of the initial issuance or authorization.

.2 Replacement Limitations

.21 Countable Replacements

The number of countable replacements provided to a household within a six-month period shall be limited as follows:

.211 Two countable replacement issuances or authorizations caused by any combination of the following occurrences:

(a) Authorization documents or coupons (full or partial allotments) not received in or stolen from the mail;

(b) Authorization documents stolen after receipt; or

(c) In an automated direct access issuance system, a replacement authorization made because the access device was not received in the mail or was stolen from the mail or after receipt.

AND

.212 Two countable replacement issuances for authorization documents or coupons reported as destroyed in a household misfortune or disaster.

.22 Unlimited Replacements

No limit shall be placed on the number of replacement issuances or authorizations made as a result of the following occurrences:

.221 Receipt of noncountable replacement issuances or authorizations;

.222 Receipt of partial coupon allotments as a result of a CWD error;

.223 Receipt of authorization documents or coupons which were improperly manufactured or mutilated; or

.224 The destruction of food purchased with food stamp benefits in a household misfortune or disaster.

.23 Limits on Amounts to be Replaced

Replacement issuances or authorizations shall be provided to the household in the amount of the loss, up to a maximum of one month's allotment. An exception is made when the amount of the loss includes benefits which have been restored to the household. In this instance, the amount replaced may exceed a one-month allotment, up to the amount of the loss.

.3 Household Affidavit of Nonreceipt

Prior to issuing a replacement, the CWD shall obtain from a member of the household a signed Replacement Affidavit/Authorization (DFA 303 10/90) attesting to the household's loss.

.31 This affidavit shall not be required if:

.311 The original authorization document or allotment has been returned to the CWD at the time of the request; or

.312 The original authorization document or coupons were improperly manufactured or mutilated.

.32 The affidavit may be mailed to the household and/or back to the CWD if the household member is unable to come into the office because of age, disability or distance from the office and is unable to appoint an authorized representative.

.33 The CWD shall provide the affidavit to the household for signature immediately after the loss is reported. The signed affidavit shall be received by the CWD within 10 days of the date of the report or no replacement shall be made. If the 10th day falls on a weekend or holiday, and the affidavit is received the day after the weekend or holiday, the affidavit shall be considered timely.

.34 The affidavit shall be retained in the case record.

.4 CWD Responsibilities

.41 Processing Time Frames

.411 CWDs shall provide replacement issuances or authorizations, as appropriate, to households within 10 days after the report of nondelivery or loss (15 days if the issuance was made by certified or registered mail) or within two (2) working days or receiving the signed affidavit, whichever date is later.

.412 Replacement of mutilated coupons shall be delayed until a determination of the value of the coupons can be made as specified in Section 63-603.63.

.42 Subsequent Replacements

If the household has already been issued the maximum allowable number of countable replacement issuances or authorizations, a subsequent replacement shall be delayed until the CWD can verify that the replacement issuance or authorization being requested will not be countable.

.421 In an authorization document or direct access issuance system, it may also be necessary to delay subsequent replacements due to the time necessary to reconcile and post all transactions. In such cases, it may not be known at the time of the replacement request whether prior replacements were countable. The allotment shall be replaced when the CWD verifies that the limit on countable replacements will not be exceeded.

.422 CWDs shall deny or delay replacement issuances or authorizations when:

(a) Available documentation indicates that the household's request for a replacement appears to be fraudulent; or

(b) The CWD determines that the request for replacement does not meet the criteria specified in Sections 63-603.1, .2 or .3.

.423 The household shall be informed of its right to a state hearing to contest the denial or delay of a replacement issuance or authorization. Replacements shall not be made while the denial or delay is being appealed.

.43 Replacement of Access Devices in an Authorization Direct Access Issuance System

In an automated direct access system which uses an access device, the CWD shall replace an eligible household's access device when it is lost, stolen, destroyed, improperly manufactured or mutilated.

.431 Only those households determined eligible for subsequent validity periods shall be issued a replacement access device. Replacement shall be delayed until the household's continuing eligibility for the Food Stamp Program has been reestablished.

.432 Upon notification by the household that an access device has been lost or stolen after receipt, the CWD shall immediately deactivate the initial access device to prevent its use by unauthorized individuals.

.433 For access devices reported as lost in or stolen from the mail prior to receipt, the CWD shall comply with the requirements in Section 63-603.511 prior to deactivation.

.434 An access device shall be replaced within the processing time frames specified in Section 63-603.411.

.5 Replacing Issuances Lost in the Mail or Stolen Prior to Receipt

.51 Prior to replacing issuances reported as lost in the mail or stolen prior to receipt by the household, the CWD shall comply with the following.

.511 Determine if the authorization documents or benefits were validly issued. If they were actually mailed, it must be determined if sufficient time has elapsed for their delivery or return. If a delivery of a partial allotment is reported, the CWD shall determine:

(a) The value of the undelivered coupons; and

(b) Whether the report of receipt of a partial allotment is corroborated by evidence that the coupon loss was due to damage in the mail before delivery or by a discrepancy in the issuance unit's inventory.

.512 Determine, to the extent possible, the validity of the request for a replacement issuance or authorization. This includes determining the following:

- (a) Whether the initial issuance has been returned to the CWD; or
- (b) In an authorization document system, whether the initial authorization document has been transacted. If so, whether the recipient's signature on the authorization document matches the signature on the recipient's ID card or household affidavit; or
- (c) In a Photo ID area, whether the ID serial number annotated on the authorization document matches the serial number on the recipient's ID card.

.52 After making a replacement issuance or authorization, the CWD shall take any other corrective action which may be necessary, such as changing the address on the master issuance file.

.53 CWDs shall offer to place households on an over-the-counter delivery system after the first report of nonreceipt; or when circumstances indicate a household may not receive its benefits or access device through the normal delivery system (e.g. the household has a history of reported nonreceipt of issuances or authorization documents). CWDs shall place a household on an over-the-counter delivery system after two replacement requests due to nonreceipt within a six-month period. The two requests may be for either an initial or a replacement authorization document, allotment or access device.

.531 CWDs shall determine the length of time necessary to keep a household on an over-the-counter delivery system. CWDs may return a household to the regular delivery system if the CWD finds that the circumstances leading to the loss have changed and the risk of loss has lessened.

.532 The placement of a household on an over-the-counter delivery system and the length of time the household is on this system is not subject to the state hearing process.

.6 Replacing Issuances After Receipt

Upon receiving a request for replacement of an issuance reported as stolen or destroyed after receipt by the household, the CWD shall determine if the issuance was validly issued and comply with the following requirements for each type of replacement issuance.

.61 Prior to replacing an authorization document reported stolen after receipt by the household, the CWD shall determine the validity of the request for replacement as specified in Section 63-603.512.

.62 Prior to replacing destroyed coupons, authorization documents or food purchased with food stamps, the CWD shall determine that the destruction occurred in a household misfortune or disaster, such as, but not limited to, a fire or flood. The destruction shall be verified through a collateral contact or documentation from a community agency such as the fire department, the Red Cross or a home visit.

.63 Coupons received by a household and subsequently mutilated or found to be improperly manufactured shall be replaced in the amount of the loss. The CWD shall examine the coupons to determine the validity of the request and the amount of the coupons to be replaced. For replacement, three-fifths of a mutilated coupon shall be presented by a household. If less than three-fifths of a coupon remains, no replacement shall be made.

.631 If the CWD can determine the value of the improperly manufactured or mutilated coupons, the CWD shall replace the unusable coupons in a dollar-for-dollar exchange. After making the exchange the CWD shall:

(a) Complete an Affidavit of Return or Exchange of Food Coupons (FNS-135 8/85); and

(b) Destroy the coupons as specified in Section 63-706.13.

.632 If the CWD cannot determine the value of the improperly manufactured or mutilated coupons, the CWD shall:

(a) Cancel the coupons by writing or stamping "cancelled" across the face of the coupons; and

(b) Forward the coupons to FNS for a determination of the value.

.64 Authorization documents received by a household and subsequently mutilated or found to be improperly manufactured shall be replaced only if they are identifiable. An authorization document is identifiable if the CWD is able to determine the amount of the issuance and that the authorization document was validly issued within the last 30 days.

.641 If more than one authorization document was issued to the household and the CWD cannot determine which authorization document was mutilated, the replacement shall be issued in the lesser amount.

.642 Improperly manufactured or mutilated authorization documents shall be surrendered to the CWD.

.7 Documentation and Reconciliation of Replacements

.71 Case File Documentation

.711 CWDs shall document in the household's case file each request for replacement, the date, the reason and the disposition of the request.

HANDBOOK BEGINS HERE

.712 The case file documentation may be recorded exclusively on the household's affidavit of nonreceipt.

HANDBOOK ENDS HERE

.72 Record of Replacements

CWDs shall maintain, in readily identifiable form, a record of the replacements granted to the household, the reason, the month, and whether the replacement was countable.

HANDBOOK BEGINS HERE

.721 The record may be a case action sheet maintained in the case file, notations on the master issuance file (if readily accessible), or another document maintained solely for this purpose.

HANDBOOK ENDS HERE

.722 The record of replacements shall, at a minimum, provide information necessary to identify and differentiate among:

- (a) Authorization documents or coupons not received in, or stolen from the mail and authorization documents stolen after receipt; and
- (b) Replacement issuances or authorizations which are not subject to a replacement limit.

.73 Reconciliation of Replacement Issuances in an Authorization Document or Automated Direct Access Issuance System

Upon completion of reconciliation activities in an authorization document or automated direct access issuance system, CWDs shall update the record of replacements to indicate whether both the initial and replacement authorization documents or authorizations were transacted. The record shall clearly indicate the status of the replacements as countable or noncountable.

.74 Replacement Requests Made Late in the Issuance Month

When a replacement request is made late in the issuance month, the replacement shall be issued in a month subsequent to the month in which the initial authorization document or authorization was issued. All replacements shall be posted and reconciled to the month of issuance of the replacement and may be posted to the month of issuance of the initial authorization document or authorization in order to identify all duplicate transactions.

.8 Further Action on Replacement Issuances

CWDs shall take further actions on replacements as follows:

.81 On at least a monthly basis, CWDs shall report to the appropriate office of the Postal Inspection Service all authorization documents or access devices reported as lost or stolen in the mail.

.811 CWDs shall assist the Postal Service during any investigation and shall, upon request, supply the Postal Service with facsimiles of originally transacted or replacement authorization documents or other issuance records, and a copy of the affidavit of nonreceipt.

.812 CWDs shall advise the Postal Service if the initial authorization document or authorization is not transacted.

.82 When both the initial and replacement authorization documents or authorizations are transacted, CWDs shall, at a minimum:

.821 Compare the handwriting on the authorization documents or transaction receipts or other issuance records to documents contained in the household's case file, including the affidavit of nonreceipt;

.822 Establish a claim determination where it appears that the household transacted or caused both authorization documents or authorizations to be transacted; and

.823 Refer the case to the CWD's investigation unit, where warranted.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 274.3 and .6.

Repeal Sections 63-605.1 through .5 and renumber Section 63-605.6 to Section 63-706.4.

63+603 COUPON/ATP REPLACEMENTS

63+603

11 General Replacement Provisions

111 Allowable Replacements/ Replacements are provided only in the following situations when the additional requirements of sections 63+603/2 and 13 are met/

1111 Coupons/ total or partial allotments/ lost in the mail/

1112 Coupons destroyed in a household disaster/ The replacement shall be for the amount declared on the replacement affidavit DPA 303/ not to exceed the applicable month's food stamp allotment/ excluding any prior benefits/

1113 ATPs which have been lost in the mail prior to their expiration date (see section 63+602/323)/

1114 ATPs destroyed in a household disaster after receipt and prior to their expiration date/

1115 ATPs stolen after receipt but prior to their expiration date/

1116 The replacement ATP or replacement coupons which themselves meet requirements described in this section/

1117 Mutilated coupons or ATPs such as but not limited to those which have been shredded by a pet/ or have gone through the laundry (as specified by section 63+603/43)/

1118 ATPs or coupons issued as a result of errors by the issuance unit such as a missing coupon book/ inaccurate amount on the ATP/ or mailed to the wrong address/

1119 Actual value of food purchased with food stamps which was destroyed in a household disaster/ The replacement shall be for the amount declared on the DPA 303 not to exceed the applicable month's food stamp allotment/ excluding any prior month benefits/

- 112 NONALLOWABLE REPLACEMENTS/ REPLACEMENTS SHALL NOT BE MADE FOR THE FOLLOWING/
- 1121 COUPONS STOLEN/ LOST OR MISPLACED AFTER RECEIPT/
- 1122 ATPS LOST OR MISPLACED AFTER RECEIPT/
- 1123 WHEN FMS HAS ISSUED A DISASTER DECLARATION AND THE HOUSEHOLD IS ELIGIBLE FOR EMERGENCY FOOD STAMP BENEFITS IN ACCORDANCE WITH SECTION 837.900Y/ THE HOUSEHOLD SHALL NOT RECEIVE BOTH THE DISASTER ALLOWANCE AND A REPLACEMENT ALLOWANCE/
- 113 NUMBER OF REPLACEMENTS ALLOWED/ TOTAL REPLACEMENTS DURING A SIX-MONTH PERIOD SHALL NOT EXCEED FOUR EXCEPT AS SPECIFIED IN SECTION 837.803/112 AND 1123/
- 1131 LIMITATIONS ON THE NUMBER FOR EACH TYPE OF REPLACEMENT WITHIN A SIX-MONTH PERIOD ARE/
- 1a) ONE REPLACEMENT FOR ATP STOLEN AFTER RECEIPT/
- 1b) ONE REPLACEMENT FOR EITHER AN ATP OR COUPONS DESTROYED DURING A HOUSEHOLD DISASTER/ THE VALUE OF THE REPLACEMENT OF AN ATP OR COUPONS SHALL BE FOR THE AMOUNT DECLARED ON THE DPA 303/ NOT TO EXCEED THE APPLICABLE MONTHLY FOOD STAMP ALLOWANCE/ EXCLUDING ANY PRIOR MONTHLY BENEFITS/
- 1c) TWO REPLACEMENTS FOR MAIL LOSSES OF EITHER AN ATP OR COUPONS LOST IN THE MAIL (TWO ATPS OR TWO COUPONS ALLOWANCES OR ONE ATP AND ONE COUPONS ALLOWANCE)/
- 1132 REPLACEMENT OF FOOD DESTROYED IN A DISASTER SHALL MEET THE SAME REPLACEMENT GUIDELINES AS ATPS OR COUPONS DESTROYED EXCEPT THERE ARE NO LIMITS TO THE NUMBER OF TIMES FOOD DESTROYED CAN BE REPLACED IN A SIX-MONTH PERIOD/ NOR DOES THE PERIOD OF INTENDED USE APPLY/
- 1133 ERRORS BY THE ISSUANCE UNIT OR MUTILATED COUPONS ARE EXEMPT FROM BEING REPORTED ON THE DPA 303 AND SHALL NOT BE COUNTED AS ONE OF THE REPLACEMENTS ALLOWED WITHIN A SIX-MONTH PERIOD/
- 1134 A CREDIT SHALL BE GIVEN TO A HOUSEHOLD WHEN AN ORIGINAL ATP OR COUPONS (WHICH HAVE BEEN REPLACED) ARE RETURNED TO THE CWP/ AND THIS CREDIT SHALL REDUCE THE TOTAL NUMBER OF REPLACEMENTS MADE IN THAT SIX-MONTH PERIOD/

114 Period of Intended Use/ The period of intended use begins with the issuance date and ends with/

1141 The last day of the month of issuance for coupons issued on or before the 23rd of the month/

1142 The last day of the month following the month of issuance for coupons issued after the 23rd of the month/

1143 The expiration date of the ATP/

1144 The appropriate date as specified in sections 637603/141/ 1142 or 1143 above for the restoration of benefits/

12 Household Reporting Responsibilities/ For the purpose of this section reporting shall mean contacting the CWP in person/ by mail/ or by telephone/ To be eligible for replacements the household member or its authorized representative shall/

121 Report ATPs lost in the mail during their period of intended use/

122 Report coupons lost in the mail during their period of intended use/

123 Report ATPs stolen or destroyed within 10 days of the incident or within the period of intended use/ whichever is earlier/

124 Report food destroyed in a disaster within 10 days of the incident/

125 Report food coupons destroyed in a disaster within 10 days of the incident or within their period of intended use whichever is earlier/

126 Prior to actual replacement the household member/ or its authorized representative shall complete and sign a DPA 303 stating that the original ATP or coupons will be returned to the CWP if recovered by the household and that the household is aware of the penalties for intentional misrepresentation of the facts/ except when replacements are made under section 637603/133/ If the participant is unable to come into the office because of age/ handicap/ or distance from the office and is unable to appoint an authorized representative/ the DPA 303 may be completed and sent in by mail/

13 CWP RESPONSIBILITIES

131 Replacement Procedures/ For replacement of an ATP/ food coupons or value of food destroyed/ the CWP shall/

1311 Review records to insure that the ATP or coupons were validly issued/ and ensure the replacement report has been made in accordance with sections 63+603/21/ 22/ 23/ 24/ or 25/

1312 Complete a DFA 303/ except when being replaced under section 63+603/133/

1313 Obtain the signature of the household member or the authorized representative on the DFA 303/

1a) The DFA 303 may be mailed to all households/ however/ it shall be mailed if the participant is unable to come into the office because of age/ handicap/ or distance from the office and is unable to appoint an authorized representative/ however/ the use of a mail system shall not preclude the recipient from making in office transactions/

1b) If the CWP elects that the DFA 303 be returned by mail/ the original DFA 303 shall be enclosed with a stamped self-addressed envelope for returning the original after it is signed by the household/

1314 Examine the casefile for previous replacement requests by the household/ in accordance with sections 63+603/11/ 12 and 131/

1315 Complete the additional procedures in section 63+603/33/ 34 and 35 as appropriate for the type of replacement request/

1316 Authorize and issue/ or deny a replacement ATP or coupons/ as specified in sections 63+603/11/ 12 and 131/ no longer than 10 days after the signed DFA 303 has been received/

1317 If the replacement is denied/ provide the household with notice of change (DFA 377/4) within 10 days after the signed DFA 303 has been received/

1318 Retain the completed DFA 303 in the casefile/

132 MAIL LOSS PROCEDURES/ THE CWO SHALL TAKE THE ADDITIONAL FOLLOWING ACTIONS WHEN A HOUSEHOLD REPORTS THE NONDELIVERY OF THE APTS/ COUPONS/ OR THE DELIVERY OF A PARTIAL ALLOTMENT ISSUED THROUGH THE MAIL/

1321 REVIEW THE MAIL ISSUANCE LOG (DFA 300) TO VERIFY THAT THE ITEM WAS ACTUALLY MAILED AND FOR POSSIBLE RETURN OF THE UNDELIVERED ITEM/ AND DETERMINE THAT SUFFICIENT TIME/ NOT TO EXCEED 3 DAYS/ HAS ELAPSED FOR THE ITEM TO HAVE BEEN RECEIVED BY THE HOUSEHOLD/

1322 ATTEMPT TO DETERMINE THE CAUSE OF EACH NONDELIVERY BY CONSULTATION WITH POSTAL AUTHORITIES/

1323 DETERMINE THE VALUE OF THE COUPONS NOT DELIVERED WHEN A DELIVERY OF A PARTIAL ALLOTMENT IS REPORTED/ AND VERIFY THE PROOF OF RECEIPT OF A PARTIAL ALLOTMENT BY/

(a) EVIDENCE THAT THE COUPON LOSS WAS DUE TO DAMAGE IN THE MAIL BEFORE DELIVERY OF/

(b) A DISCREPANCY IN THE ISSUANCE UNITS INVENTORY/ ANY OVERAGE OR SHORTAGE BY BOOK TYPE IN THE INVENTORY DENOTES THAT SOME KIND OF ISSUANCE ERROR HAS OCCURRED/ THEREFORE/ ANY REPLACEMENT REQUEST IN THAT DENOMINATION SHALL BE HONORED AND DOCUMENTED AS AN ISSUANCE ERROR/

1324 RECORD THE REPORT OF NONDELIVERY AND DATE OF REPLACEMENT/ IF REPLACED/ ON THE DFA 300 AND TAKE OTHER CORRECTIVE ACTION WARRANTED BY THE REPORTED NONDELIVERY/ OR PARTIAL DELIVERY/

1325 REPORT MAIL LOSSES TO THE UNITED STATES POSTAL SERVICES (USPS) AS FOLLOWS/

(a) REPORT ALL MAIL ISSUANCE LOSSES TO USPS ON AT LEAST A MONTHLY BASIS/ ALSO REPORT ALL PATTERNS OF MAIL LOSSES/ SUCH AS/ A LARGE NUMBER OF COUPONS REPORTED LOST IN THE MAIL IN A PARTICULAR AREA/ CONSULT WITH THE POSTAL OFFICIALS TO DEVELOP PLANS AND TAKE APPROPRIATE CORRECTIVE ACTION TO REDUCE MAIL LOSSES OR DEVELOP ALTERNATE MEANS OF DELIVERY/

10Y On at least a monthly basis, provide a list of ATPs reported as lost in the mail to the appropriate postal inspection service (PIS). Assist the PIS during the investigation. Upon request, supply the PIS with a facsimile of the original ATP, if transacted, and the replacement ATP and a copy of the DFA 303. Advise the PIS if the original ATP is not transacted.

1326 Place the household in an over-the-counter issuance system whereby both ATPs and coupons are picked up by the household when there are two reports of nondelivery by the same household of either full or partial allotments and/or original or replacement ATPs in a six-month period.

14Y The household may be placed in an alternate issuance system prior to two replacements if circumstances exist that indicate that the household may not receive their benefits through the normal issuance system.

10Y The household may be returned to the regular issuance system no sooner than six months after the first replacement if the circumstances leading to the loss have changed and the risk of loss has lessened.

1327 Report the value of coupon mail issuance replacements on the Food Coupon Accountability Report (FMS 250Y).

1328 Return to inventory the original coupon allotments subsequently recovered by the issuance unit during the current month and note on the mail issuance log, thereby eliminating the inventory shortage created by the replacement issue. In this case, the replacement issuance for allotments received during the current month shall not be reported on the Form FMS 250. The CWP shall notify the post office of the return of the coupon allotments previously reported as lost in the mail.

133 Destruction Verification. The CWP shall take the following additional action upon receiving a request for replacement of ATPs, coupons, or food reported as destroyed in an individual household disaster:

1331 Verify the disaster through either a collateral contact/ documentation from a community agency including/ but not limited to/ the Fire Department/ or the Red Cross/ or a home visit/

1334 ATPs/ Prior to the replacement of ATPs destroyed/ stolen after receipt or loss in the mail/ the CWD shall take action to determine/ to the maximum extent practicable/ the legitimacy of the request for replacement of the destroyed/ lost or stolen ATP/ through such means as determining whether the original ATP has been transacted/ and if so/ whether the signature on the original ATP matches that on the replacement/

1335 Denial of Replacements/ In addition to section 83-803/12/ the CWD shall deny a replacement if/

1331 The loss is not reported within the appropriate time frame (as specified in section 83-803/21/

1332 Replacement request for mail loss after two replacements for mail loss have been issued within the most recent six-month period which includes the current month/

1333 A replacement request for a destroyed ATP or coupons is made after one replacement of a destroyed ATP coupons has already been issued within the most recent six-month period which includes the current month/

1334 A replacement request for a stolen ATP is made after one replacement for a theft of an ATP has already been issued within the most recent six-month period which includes the current month/

1335 Documentation exists indicating the likelihood of intentional program violation/ such as a match between the signature in the original ATP that had been transacted and the signature on the replacement request/ or the issuance unit has noted the recipient's correct food stamp identification number on an original ATP that has been transacted/ unless the household reported it as stolen/

1336 Food is destroyed because of mechanical breakdown/

1337 Verification of the destruction of an ATP/
coupons of food reveals that the item(s) were
destroyed in a situation other than a household
disaster as defined in Section 63-102.

14 Improperly Manufactured or Mutilated Coupons

141 The CWP or its issuance agent shall provide for the
issuance of coupon replacements due to improper
manufacture or mutilation.

142 The CWP or its issuance agent shall examine the
improperly manufactured or mutilated coupons to
determine the validity of the claim and the amount of
coupons to be replaced.

143 If the CWP or its issuance agent can determine the
value of the improperly manufactured or mutilated
coupons, the agency or agent making such determination
shall replace the unusable coupons on a dollar-for-
dollar exchange. After an exchange by an issuance
agent, the agent shall return the unusable coupons and
a completed Form FMS 135 to the CWP which shall
destroy the coupons in accordance with the prescribed
procedures. (See Section 63-601.4)

144 If the CWP cannot determine the value of the
improperly manufactured or mutilated coupons, the CWP
shall cancel them by writing or stamping "Cancelled"
across the face of the coupons and forwarding them to
SDSS for review and transmittal to FMS for a
determination.

145 The CWP or its issuance agent shall not replace
coupons which are mutilated to such a degree that less
than three-fifths of the coupon is preserved by the
household.

15 Establishing Claims for Replacement of Improperly
Manufactured or Mutilated Coupons Returned by Recipients

The Issuance Office, upon receipt of a returned booklet by a
claimant shall:

151 Carefully examine the food coupon booklet.

152 If the request for replacement or the damage claim
appears valid.

- 1521 Determine the amount of the replacement and issue coupon books in this amount to the participant. Remove coupons from the replacement book(s) in the amount already used by the claimant. It is not necessary that replacements be made with books of the same denomination as those returned by the claimant.
- 1522 Write or stamp "cancelled" across the returned coupons and the coupons removed from the replacement books.
- 1523 The face value of the coupon books from which the replacement was made will be entered in the FNS 230 Food Coupon Accountability Report under "Remarks" for the month in which the replacement was made.
- 1524 After exchange, the CWP shall destroy the coupons in accordance with the prescribed procedures (see Section 83-801.4).
- 1525 If there is doubt that the request for replacement of the damage claim is valid, do not replace the book(s) but instead:
- (a) Prepare a written statement of all known facts and result of examination, and
 - (b) Send the statement and the book(s) immediately to SDSS-ESPMB for review and transmittal to FNS.
 - (c) FNS will process and settle the claim directly with the issuance agent.

.64 (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 274.6.

Amend Chapter title for 63-700; amend Section 63-701; and renumber and amend Sections 63-701.1, .2, .3, .4, and .5 to read:

63-700 COUPON AND AUTHORIZATION DOCUMENT ORDERING, 63-700
STORAGE AND ACCOUNTABILITY

63-701 COUPON ORDERING, DISTRIBUTION AND INVENTORY 63-701
MANAGEMENT

.1 (Continued)

.11 The CWD shall monitor the coupon inventories of the coupon issuers and bulk storage points to ensure inventories are ~~at proper levels and are not in excess of the reasonable needs of the coupon issuers~~ neither excessive nor insufficient to meet issuance needs and requirements. The CWD shall consider, among other things, ~~the reasonable inventory needs~~ In determining the reasonable inventory needs the CWD shall consider, among other things, the ease and feasibility of resupplying such inventories from bulk storage point supplies within the CWD ~~as well as from the manufacturer.~~ The inventory levels at coupon issuers and bulk storage points should not exceed a six-month supply, taking into account coupons on hand and on order.

.12 (Continued)

.13 The CWD shall use the following forms and/or reports as well as physical inventory controls to assure the accuracy of monthly reports, issuers' and compliance with required inventory ~~needs levels~~ and the accuracy and reasonableness of coupon orders:

~~(a).~~ .131 (Continued)

~~(b).~~ .132 (Continued)

~~(c).~~ .133 (Continued)

~~(d).~~ .134 (Continued)

~~(e).~~ .135 (Continued)

~~(f).~~ .136 (Continued)

.2 Coupon ~~c~~Controls

The CWD shall establish control and security procedures to safeguard coupons, similar to those used to protect currency. The exact nature of security arrangements shall depend on the CWDs' evaluation of local coupon issuance and storage facilities. These arrangements shall permit the timely issuance of coupons while affording a reasonable degree of security. The CWD and all persons or organizations acting on its behalf shall take the necessary precautions to:

11Y.21 ~~A~~Safeguard coupons from theft, embezzlement, loss, damage/ or destruction;

12Y.22 ~~A~~Avoid unauthorized transfer, negotiation/ or use of coupons;

13Y.23 ~~A~~Avoid issuance and transfer of altered or counterfeit coupons; and

14Y.24 ~~promptly~~ Report promptly in writing to the FSPMB/ SDSS and FNS any loss, theft or embezzlement of coupons. The exact nature of security arrangements will depend on CWD evaluation of local coupon issuance and storage facilities. These arrangements must permit the timely issuance of coupons while affording a reasonable degree of coupon security. (See Section 67801/31Y)

.3 Coupon Requisitions

171 Before an order for bulk supplies is placed, the following requirements shall have been met:

1711 The CWD shall have filed with SDSS the Annual Food Stamp Questionnaire with original signature/

1712 The CWD or its contracted issuance agent shall officially designate one or more agents responsible for ordering bulk supplies of food coupon and documenting their receipt/

.321 Coupon requisitions/ The CWD shall arrange for the ordering of coupons on the Requisition for Food Coupon Books (FNS-260 1/82) and the prompt verification and written acceptance of the contents of each coupon shipment.

.311 The CWD shall furnish the appropriate delivery hours and the names of the persons authorized to sign delivery acknowledgments by:

- (a) Completing the Requisition For Food Coupon Books (FNS-260 1/82) and/or
- (b) Submitting the Form FNS-33 to FNS, if applicable.

HANDBOOK BEGINS HERE

.332 (Continued)

HANDBOOK ENDS HERE

.343 (Continued)

.3431 (Continued)

.3432 (Continued)

.3433 (Continued)

.3434 (Continued)

HANDBOOK BEGINS HERE

.3435 The primary method for determining the size of the coupon orderings coupons will be determining is to the average the number of coupon books used in the previous three months. However, to minimize shortages in coupon inventories, it is strongly recommended that large ATP system counties develop and maintain data on the number of transacted ATP cards by household size. CWDs monitor participation to assist them in determining future usage. This data is especially useful for high volume CWDs and will provide for accurate reordering when the required semiannual coupon allotment changes occur.

HANDBOOK ENDS HERE

.4 Coupon Shipment

.41 FNS Shipment of Coupons

FNS WILL SHIP COUPONS DIRECTLY TO THE DESIGNATED RECEIVING POINTS/ FNS WILL ADVISE THE CWD IN WRITING WHEN COUPONS ARE SHIPPED TO RECEIVING POINTS USING FORM FNS 261/ COUPONS SHALL BE CONSIDERED DELIVERED TO THE CWD WHEN FNS OR ITS CARRIER HAS A SIGNED RECEIPT/

HANDBOOK BEGINS HERE

CWDs shall receive coupons from FNS in such denominations as FNS may determine necessary. Coupons shall be shipped directly to the CWD designated receiving points approved by FNS. CWDs shall be advised promptly by FNS using an Advice of Shipment (Food Coupons) (FNS-261 11/78) when coupons are shipped to receiving points.

HANDBOOK ENDS HERE

.42 Shipment of Coupons by the CWD

.421 Coupons shall be considered delivered to the CWD when FNS or its carrier has a signed receipt. Once coupons have been accepted by receiving points, any further movement of the coupons between coupon issuers and bulk storage points is at the risk of the CWD. To minimize the risk of loss, coupons shall be shipped by armored car/ armored vehicle/ armored tractor trailer/ or the Postal Service/ Movement of coupons by any of these methods of transportation is normally appropriate because stringent security is applied and the risk of loss is usually borne by the carrier or some other method of transportation that affords the CWD the maximum security available.

.422 In every instance when coupons are transported, the person(s) transporting coupons shall:

- (a) Acknowledge their receipt/ in writing;
- (b) Accord the coupons as much protection as is reasonable; and
- (c) Advice issuance supervisors of the routes to be taken, the shipment departure time and the estimated arrival time.

HANDBOOK BEGINS HERE

- (1) This information, if in written form, may be destroyed after the coupons have been received.

HANDBOOK ENDS HERE

.435 Specimen Coupons

FNS will provide nonnegotiable specimen coupons to CWDs and firms upon written request for the purpose of educating and training employees on program operations. CWDs may make a written request to FNS for nonnegotiable specimen coupons for the administration of the Food Stamp Program and enforcement of the rules.

.4351 The CWD or firm shall store specimen coupons in secure storage with access limited to authorized personnel. The county CWD or firm shall keep a perpetual inventory record maintained for maintain a record of specimen coupons inventory received.

.4352 Specimen coupons that are mutilated, improperly manufactured, or otherwise unusable, shall be destroyed by the CWD or firm. Such destruction shall be witnessed by two persons. and noted on the perpetual inventory record maintained for specimen coupons. The CWD shall notify FNS of the destruction.

.53 Specimen coupons shall not be issued to private individuals or firms.

.56 (Continued)

.561 (Continued)

HANDBOOK BEGINS HERE

.5611 (Continued)

HANDBOOK ENDS HERE

.§62 (Continued)

.§621 (Continued)

.§622 (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and
Institutions Code.

Reference: 7 CFR 274.7.

Amend Sections 63-702.11 and .63 and adopt Section 63-702.64 to read:

63-702 ISSUANCE AGENCY AND BULK STORAGE POINT
RESPONSIBILITIES (Continued)

63-702

.1 (Continued)

- .11 Coupon issuers, ~~and~~ bulk storage points and claims collection points shall promptly verify and acknowledge, in writing, the contents of each coupon shipment or coupon transfer delivered to them shall be responsible for the custody, care, control and storage of coupons.

.111 Receipt of Coupons

- (a) Shipments shall be verified and received only by those persons so authorized on the ~~Annual Food Stamp Questionnaire~~ Requisition For Food Coupon Books (FNS-260 1/82) or the File Update - Food Coupon Shipping Point (FNS-33 4/78). (Continued)

63-702 ISSUANCE AGENCY AND BULK STORAGE POINT
RESPONSIBILITY (Continued)

63-702

.6 (Continued)

.63 Supporting Documentation

Supporting documentation shall be submitted which will allow for verification of the FNS-250 (10/78). Documentation shall include, but is not limited to, documents supporting coupon shipments, transfers/ and issuances. In CWDs using an ~~ATP~~ authorization document issuance system, coupon issuers shall submit transacted ~~ATP's~~ authorization documents batched according to each day's activity, in accordance with the schedule prescribed by the CWD, but, in any case, not less often than monthly (see Section 63-703.2).

.64 Mail Issuance Activity

All mail issuance activity, including the value of mail issuance replacements, shall be reported on the Food Coupon Availability Report (FNS-250 10/78). When the initial allotment (first benefits issued for a

particular month to an on-going household) is returned to inventory as specified in Section 63-706.31 and the replacement issuance is also issued during the month in which the initial benefits were issued, the replacement shall not be reported.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 271.2 and 7 CFR 274.4, .7, and .8.

63-703 ATP/HIR RECONCILIATION

63-703

/1 ATP Reconciliation

/11 In ATP issuance systems, the CWD shall verify the number of transacted ATPs received from the coupon issuers and the total value of documented coupon issuances.

/111 ATP batches not reconciled shall be maintained intact by the CWD until the discrepancy is resolved with the coupon issuer.

/112 Following receipt and verification of the final batch of the ATPs for the month, the CWD shall determine the total value of authorized issuances for each coupon issuer. Any expired or out-of-country or out-of-state ATPs shall be handled as coupon issuer errors and shall not be reported as authorized issuances.

/12 The CWD shall clearly differentiate between initial/ supplemental/ and replacement ATP issuances in its accountability system.

/13 Reconciliation of ATPs with the HIR Master File

/131 The CWD shall post and reconcile all transacted ATPs against the HIR master file. The reconciliation of ATPs shall be accomplished at the level in the CWD where the HIR was created from the notices of change. This posting and reconciliation shall, at a minimum, include for each ATP a comparison of the total coupon allotment. The CWD shall merge the records of the manually prepared initial/ supplemental/ and replacement ATP issuances with the HIR master file prior to posting and reconciling the transacted ATPs. Because ATPs issued after the 25th of the month may be redeemed in the following month and because supplemental ATPs may be issued during the month, the CWD shall establish a mechanism for the redemption and reconciliation of more than one valid ATP in one month. However, ATPs issued to replace ATPs reported lost or stolen shall be separately identifiable, as the transaction of both the original and replacement ATP represents a duplicate issuance which must be so reported.

114 Identification of Unreconciled ATPs

1141 The CWP shall identify all transacted ATPs that are not reconciled with the HIR master file as expired/ duplicated/ altered/ stolen/ counterfeit/ or out-of-state or out-of-country/ Unreconciled ATPs shall be reported on the FMS 46/ This identification shall be used to establish the liabilities of the CWP for determination of corrective or claims action/

12 Reconciling Transacted ATP Cards

121 CWPs shall reconcile ATPs as described below unless CWPs receive specific written approval from SSSS for use of alternative procedures/

1211 Issuance agents shall return all ATP cards transacted by recipients during the month to the CWP for reconciliation/ Care should be taken in the preparation and transmittal of ATP cards/ as these documents are the Issuance Agent's only proof that its issuances are authorized/ The CWP shall establish a schedule for the return of transacted ATP cards/ Each transmittal of ATP cards shall be accompanied by an ATP Batch Report indicating the number of ATP cards attached and the total value of coupons authorized to be issued/ The Issuance unit shall separate replacement ATPs for coupons lost in the mail from other ATPs/

1212 Upon receipt of transacted ATP cards the CWP shall verify the totals on the transmittal statement/

1213 At the end of the month/ the CWP shall verify the Actual vs/ Documented Issuance Summary on the FMS 250/ from each issuance unit against the totals from the unit's transmittal statements/

1214 The CWP shall reconcile replacement ATPs for coupons lost in the mail with the date it was received from the Certification Unit on the Issuance of these documents/ Issuances made on the basis of these ATPs are to be transacted as actual but not documented on the FMS 250/

1215 The CWP shall identify transacted out-of-country and out-of-state ATP cards/

13 HIR Reconciliation to the Case Files

131 In an HIR issuance system, the CWD shall conduct a semiannual comparison of the active and inactive HIR cards against the case files. At a minimum, 20 percent of both open and closed HIR cards shall be selected at random for the comparison. The CWD may limit selection of cases for review to those which were active during the previous six months. If the CWD discovers an HIR card during the review for which a case file cannot be located, the CWD shall conduct a total review of the active case files. The CWD shall immediately document and report any discrepancies discovered during the semiannual review to FMS.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 274.4.

Amend Section Heading 63-703 and adopt Sections 63-703.1 through .33 to read:

63-703 ~~ATP/MIA~~ RECONCILIATION

63-703

CWDs shall account for all issuances through a reconciliation process appropriate for the type of issuance system employed.

.1 All Issuance Systems

All issuance systems coupon issuers shall reconcile their issuances daily using daily tally sheets, cashier's daily reports, tapes or printouts.

.2 Record for Issuance

.21 In issuance systems using a record-for-issuance all issuances authorized for the month shall be merged into one record-for-issuance at the end of each month.

.211 All issuances made during the month shall be posted to the record-for-issuance.

.212 The record-for-issuance shall then be compared with the master issuance file and findings from this comparison reported on the Issuance Reconciliation Report (FNS-46 8/89) as specified in Section 63-704.15.

.22 In issuance systems where no record-for-issuance is used, issuances made during each month shall be reconciled to the master issuance file and findings from this reconciliation reported on the Issuance Reconciliation Report (FNS-46 8/89) as specified in Section 63-704.15.

.3 Authorization Document Systems

The following additional steps shall be followed in an authorization document system:

.31 The transacted value of authorized coupon issuances shall be determined and verified.

.32 Any batches of transacted authorization documents that do not reconcile shall be maintained intact by the CWD until the discrepancy is resolved with the coupon issuer and/or a review of the case files is completed.

.33 All transacted authorization documents shall be compared with the record-for-issuance or master issuance file as appropriate. Any documents that do not match with the record-for-issuance or master issuance file shall be identified and reported as specified in Section 63-704.15.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 274.4.

Amend and renumber Section 63-704.1 to read:

63-704 COUNTY WELFARE DEPARTMENT AND CONTRACTED ISSUANCE 63-704
AGENTS REPORTING RESPONSIBILITIES

.1 Reporting Requirements

- .11 The CWD shall report on Forms 580 or FNS 33 when a reconciliation point or a coupon shipment receiving point is created/ changed/ or terminated at least 45 days prior to the effective date of the action. A reconciliation point is that point in the project area where transacted ATPs are reconciled with the WIA master file to FNS and SDSS 30 days in advance whenever there is a creation, relocation or termination of a project area, issuance point, reconciliation point, replacement point, bulk storage reporting point or coupon shipment receiving point.
- .111 Initial notification may be made by telephone but the CWD shall confirm the information in writing.
- .112 Changes in bulk storage reporting and coupon shipment receiving points may be reported on the File Update - Food Coupon Shipping Point (FNS-33 4/78).
- .12 The CWD shall assign a due date for the submittal of Form FNS-250 (10/78) by the coupon issuers and bulk storage points to the CWD. The CWD shall review FNS-250s for accuracy, completeness and reasonableness. The CWD shall attest to the accuracy of these reports and submit them to FNS and SDSS so that they will be received in FNS by the 45th day following the end of the report month. Any revisions to the Form FNS-250 for a given month shall be submitted to FNS within 105 days after the end of the report month. See Section 63-702.62 for preparation instructions on the FNS-250.
- .13 The CWD shall complete the Form FNS-259, Food Stamp Mail Issuance Report, for each project area using a issuing coupons through a regular mail issuance or direct mail issuance system. The CWD shall verify the issuance by comparison with the issuance on the appropriate coupon issuer's Form FNS-250. The FNS-259 shall be submitted to FNS and SDSS so that it will be received in FNS by the 45th day following the end of each quarter. (Continued)

63-704 COUNTY WELFARE DEPARTMENT AND CONTRACTED ISSUANCE 63-704
AGENTS REPORTING RESPONSIBILITIES (Continued)

.15 The CWD shall submit the Issuance Reconciliation Report Form (FNS-46 8/89) to SDSS. The report shall be prepared at the level of the CWD where the actual reconciliation of the record-for-issuance and master issuance file occurs.

.151 The CWD shall identify and report the number and value of all issuances which do not reconcile with the record-for-issuance and master issuance file, as well as the number and value of all issuances which do not reconcile with the record-for-issuance or the master issuance file. All unreconciled issuances shall be identified.

.152 The report shall be received no later than 60 days following the end of the report month.

.156 (Continued)

.1561 The CWD shall compile ~~figures~~ data after the end of the issuance month ~~based on NTP card data~~ transactions completed in a direct access or ~~transacted NTP~~ authorization document issuance system. These figures shall include all issuances supported by issuance documents including expired, altered, stolen, counterfeit and duplicate issuances which occurred during the report month. The CWD shall report only once households which have transacted duplicate ~~NTP cards~~ authorization documents (including replacement ~~NTP~~ authorization documents).

.157 (Continued)

.178 (Continued)

.189 (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 271.2 and 7 CFR 274.1 and .4.

Renumber and amend Sections 63-705.1, .2, .3, and .4 to read:

63-705 ISSUANCE RECORD RETENTION AND SECURITY

63-705

.1 (Continued)

- .11 The CWD shall maintain issuance and reconciliation records for a period of three years from the month of origin. This period may be extended at the written request of FNS.
- .12 Issuance records shall include, at a minimum:
- (a) Notices of ~~Change~~ Action (DFA 377.1 - .9)/;
 - (b) HIR cards/;
 - (c) ~~I~~Inventory records (DFA 292)/;
 - (d) ~~T~~ransacted ~~ATPS~~ ~~of~~ ~~similar~~ authorizing documents/;
 - (e) Food Coupon Accountability Report (FNS 250)/ and ~~supporting~~ substantiating documents;
 - (f) Cashier's Daily Reports (DFA 293)/;
 - (g) Receptionist's Daily Tally Sheets (DFA 289)/ and ~~the HIR master file as specified in section 637 002/23;~~
 - (h) Master issuance files;
 - (i) Records-for-issuance for each month; and
 - (j) Any roster or lists produced by issuance systems.
- .13 In lieu of the records themselves, easily retrievable microfilm, microfiche, or computer tapes which contain the required information may be maintained. / as long as they are easily retrievable for audit review purposes/

.2 Security and Control of Issuance and Accountable Documents

.21 Issuance Documents

The CWD shall control all issuance documents which establish household eligibility while the documents are transferred and processed within the county.

These issuance documents include access devices and numbered transaction receipts if used in an automated direct access issuance system. The CWD shall use numbers, batching, inventory control logs/ or similar controls from the point of initial receipt through the issuance and reconciliation process. The CWD shall also insure the security and control of ~~ATP's~~ authorization documents in transit from the manufacturer to the county welfare office.

.322 Accountable Documents

HIR cards, ~~ATP's~~ authorization documents and mandated photo ID cards shall be considered accountable documents. The CWD shall provide the following minimum security and control procedures for these documents:

.3221 (Continued)

.3222 (Continued)

.3223 (Continued)

.3224 (Continued)

.3225 (Continued)

.3226 (Continued)

.423 Notice of Change and ID Card Security

For Notices of Change which initiate, update/ or terminate the ~~HIR and~~ master issuance file, blank ID cards, blank access devices and transaction receipts the CWD shall, at a minimum, provide secure storage and limit access to authorized personnel.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 271.2 and 7 CFR 274.1 and .11.

Repeal Title of Section 63-706, adopt new Section 63-706 and renumbered Section 63-605.6 to Section 63-706.4 and amend to read:

63-706 ATP/MIA RECONCILIATION HANDLING AND/OR
DESTRUCTION OF UNUSABLE, UNDELIVERABLE OR
RETURNED COUPONS, AUTHORIZATION DOCUMENTS
AND ACCESS DEVICES

63-706

.1 Unusable Coupons

.11 The CWD shall require coupon issuers, bulk storage points and claims collection points to dispose of unusable coupons, received from the manufacturer or received as payment for claims, within 30 days from the close of the month in which they were received. There is no dollar limit on the amount of coupons which may be disposed of by the CWD. Disposal shall be by one of the following two methods:

.111 Sending unusable coupons, along with any documentation the CWD has deemed appropriate, to the CWD for destruction; or

.112 Holding the unusable coupons in secure storage pending examination and destruction by the CWD at the coupon issuance, bulk storage or claims collection point.

.12 Prior to the destruction of improperly manufactured coupons, mutilated coupons or coupon books that were received from households for claims, the CWD shall:

.121 Verify that the coupons were improperly manufactured or mutilated. If one or more boxes of coupons were improperly manufactured, the CWD shall contact FNS for instructions prior to disposition of the coupons. If FNS has not responded within 30 days, the CWD shall destroy the coupons and document the manufacturing irregularity and the book numbers. A copy of the CWD's request to FNS for permission to destroy shall be retained.

.122 If it cannot be determined whether the coupons or coupon books were in fact improperly manufactured or the coupon's value cannot be established, the CWD shall write or stamp "cancelled" across the face of the coupon(s) and coupon book(s) and promptly forward a written statement of findings and the cancelled coupon(s) or coupon book(s) to FNS for determination.

.13 The CWD shall destroy the coupons and coupon books by burning, shredding, tearing or cutting so they are not negotiable. Two CWD designated employees shall witness and certify the destruction information as follows:

.131 The destruction of improperly manufactured, mutilated or exchanged coupons shall be reported on the Coupon Account and Destruction Report Form (FNS-471 4/86) and submitted with the Food Coupon Accountability Report Form (FNS-250 10/78) for the appropriate month. For coupons received from recipients, an Affidavit of Return or Exchange of Food Coupons Form (FNS-135 8/85) shall be completed and retained by the CWD as documentation with the Form FNS-471.

.132 The destruction of coupons received from claims collection points that are the result of the payment of household claims shall be reported on Form FNS-471 and submitted with the Status of Claims Against Household Form (FNS-209 6/86). A Form FNS-135 shall be completed and retained at the CWD for future audit purposes. A CWD may consolidate its monthly FNS-471 for claims collection destruction reporting by providing one form which reflects the total claims destruction figure for the month. If the CWD chooses to do this they shall also:

(a) Attach a breakdown which reports the required FNS-471 information for each reporting point; and

(b) Retain all individual FNS-471s for future review and audit purposes.

.2 Authorization Documents Mutilated or Otherwise Rejected During Processing

The CWD shall void all authorization documents mutilated or otherwise rejected during the preparation process. The voided authorization documents and access devices shall either be filed for audit purposes or destroyed, provided destruction is witnessed by at least two persons and the CWD maintains a list of all destroyed authorization documents.

.3, Undeliverable or Returned Coupons, Authorization Documents and Access Devices

The CWD shall exercise the following security and controls for authorization documents, access devices and coupons that are undeliverable or returned during the valid issuance period. Forms FNS-471 and FNS-135 shall be completed by the CWD, as appropriate.

.31 Coupons which are in book form, complete with original and unsigned covers, shall be returned to inventory and noted as such on the issuance log and the FNS-250.

.32 Returned authorization documents and access devices shall be recorded in the control log noting the serial number, household name and case number.

.321 The documents and access devices shall be kept in secure storage with limited access.

.322 The documents and access devices may be voided as long as households which report nondelivery are provided an immediate replacement.

.§4 Exchange of Old Series Food Coupons for New Series Coupons

.§41 Old \$Series \$Coupons \$Exchange/

Households which ~~\$YLY~~ have old series (no longer issued) coupons shall be entitled to a dollar for dollar exchange of old series coupons for ~~new~~ current series coupons. ~~When only a 50-cent coupon is offered for exchange or the coupons offered include an odd number of 50-cent coupons, a new series \$1 coupon will be given for the odd 50-cent coupon.~~ Households in possession of old series coupons shall submit the coupons and a request for exchange to the CWD.

/§42 Methods of \$Exchange/

~~There are two methods for exchanging old series for new series food coupons. CWDs may make direct exchanges to claimants or request FNS to make the exchange. CWDs may utilize either of these methods as described below.~~

.§421 (Continued)

(a) (Continued)

(b) (Continued)

(c) After the transaction is completed, all loose new series food coupons resulting from the exchange and all old series coupons shall be cancelled immediately and destroyed as soon as possible. Destruction shall be accomplished by burning, shredding, tearing or cutting food coupons sufficiently to make them nonnegotiable. At the time of each destruction, Form FNS-178 471, ~~Certification of Destruction of Exchanged Food Coupons~~ Coupon Account and Destruction Report (see Chapter 63-1200), shall be completed.

(d) (Continued)

(e) (Continued)

.§422 (Continued)

(a) (Continued)

(b) (Continued)

(c) All old series food coupons submitted for exchange shall be cancelled immediately and destroyed as soon as possible. Destruction shall be accomplished by burning, shredding, tearing, or cutting food coupons sufficiently to make them nonnegotiable. At the time of each destruction, Form FNS-178 471 shall be completed.

(d) (Continued)

(e) (Continued)

(f) (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 274.7 and FNS waiver exemption letter to Linda S. McMahon, Director, SDSS dated October 23, 1989.

Repeal Sections 63-707 and 63-708.

63+707 COUNTY WELFARE DEPARTMENT AND CONTRACTED
ISSUANCE AGENTS REPORTING RESPONSIBILITIES

63+707

63+708 ISSUANCE RECORD RETENTION AND SECURITY

63+708

Authority Cited: Sections 10554 and 18904, Welfare and
Institutions Code.

Reference: Sections 10554 and 18904, Welfare and
Institutions Code.

Amend Sections 63-801.122, .222(c), and .85 and repeal Sections 63-801.853 and .854 to read:

63-801 CLAIMS AGAINST HOUSEHOLDS (Continued) 63-801

.1 (Continued)

.12 (Continued)

.122 The household transacted, but did not alter an expired ~~ATP~~ authorization document. (Continued)

63-801 CLAIMS AGAINST HOUSEHOLDS (Continued) 63-801

.2 (Continued)

.22 (Continued)

.222 (c) The CWD incorrectly issued duplicate ~~ATPs~~ authorization documents which were subsequently transacted by the household. (Continued)

63-801 CLAIMS AGAINST HOUSEHOLDS (Continued) 63-801

.8 (Continued)

.85 Returned Coupons

The CWD may return to inventory any coupons books which are received intact and in usable form, from households as payment for claims, as specified in Section 63-706.3. The CWD shall destroy/ ~~in accordance with the procedures outlined in this section/~~ any coupons or coupon books which are not returned to inventory as specified in Section 63-706.1.

.851 (Continued)

.852 (Continued)

.853 After verification of the FMS-173 reports from the claims collection point, the CWD shall destroy the coupons or coupon books received from the claims collection points if the value of the coupons does not exceed \$500 per claims collection point for any month. If the value of

the coupons to be destroyed exceeds \$500 per claims collection point per month/ the CWP shall request FNS approval prior to any destruction of the coupons at that collection point/

1854 The CWP shall destroy the coupons and coupon books by burning/ shredding/ tearing/ or cutting so that they are not negotiable/ Two CWP officials shall witness and certify the destruction and forward the form FNS-471/ Coupon Account and Destruction Report/ with DFA-209 to SDSS/ The amount of coupons destroyed each month in repayment of claims shall equal the amount reported on the DFA-209 as repayment in coupons/ Coupons destroyed for reasons other than in repayment of claims must be reported on a separate FNS-471 which is attached to the FNS-230 report/ (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 271.2.

Repeal Section 63-803.

63-803 RETURN OF COUPONS [RESERVED]

63-803

11 REFUND OF PURCHASE REQUIREMENT

IN THE EVENT OF VOLUNTARY TERMINATION OF PARTICIPATION IN THE PROGRAM BY A HOUSEHOLD OF DEATH OF THE HEAD OF THE HOUSEHOLD/ PROPERLY ISSUED COUPONS MAY BE RETURNED TO FMS FOR A REFUND ON THE SAME RATIO OF CASH TO COUPONS AS WAS APPLIED BY THE CWP IN THE ISSUANCE OF THE COUPONS TO THE HOUSEHOLD/

12 FILING REFUND REQUEST

ALL refund claims for unused coupons must be submitted to the CWP and documented by a signed and dated form FMS 287/ AS A MINIMUM/ THE FORM/

121 SHALL BE IN INK OR TYPED/

122 SHALL CONTAIN THE CLAIMANT'S ADDRESS/

123 SHALL BE DATED AND SIGNED/

124 SHALL HAVE THE UNUSED COUPONS ATTACHED/ THE CWP SHALL ALSO PROVIDE A COPY OF THE REFUND REQUEST TO THE HOUSEHOLD AS A RECEIPT FOR THE COUPONS/

13 FMS PAYMENTS

CWPS SHALL FORWARD ALL CLAIMS TO FMS FOR PAYMENT/

14 LIMIT ON REFUNDS

SIX MONTHS AFTER ELIMINATION OF THE PURCHASE REQUIREMENT/ NO REFUNDS SHALL BE PAID FOR COUPONS RETURNED TO FMS/ COUPONS WILL BE ACCEPTED BY FMS FOR ACCOUNTING AND DISPOSITION ONLY/ HOUSEHOLDS SHOULD BE REMINDED THAT EVEN IF THEY ARE NOT CURRENTLY ELIGIBLE/ PROPERLY ISSUED COUPONS MAY BE REDEEMED BY THEM AT ANY TIME IN AUTHORIZED RETAIL STORES/

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 54 Federal Register 30, Table of Redesignations (Part 274), p. 6991.

Amend Section 63-804.7 to read:

63-804 STATE HEARINGS (Continued)

63-804

.7 Timely Action on Hearing Decisions

Decisions which result in an increase in a household's benefits shall be reflected in the coupon allotment within 10 days of the receipt of the hearing decision even if the CWD must provide a supplementary ~~ATP~~ authorization document or otherwise provide the household with an opportunity to obtain the allotment outside of the normal issuance cycle. However, the CWD may take longer than 10 days if it elects to make the decision effective in the household's normal issuance cycle, provided that the issuance will occur within 60 days from the household's request for the hearing. Decisions which result in a decrease in household benefits shall be reflected in the next scheduled issuance following receipt of the hearing decision.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 271.2.

Restructure and amend Section 63-900.55(i) to read:

63-900 EMERGENCY FOOD STAMP ASSISTANCE IN DISASTERS
(Continued)

63-900

.5 (Continued)

.55 (Continued)

(i) (1) A household that requests any of the following replacements shall be referred to the certification office responsible for the ongoing program and the replacements shall be handled as specified in Section 63-603:

(a) ~~of An ATP~~ authorization document;

(b) An access device; ~~of~~

(c) ~~Coupons~~ received under the ongoing program but subsequently destroyed in the disaster; ~~i~~ or

(d) ~~for Food~~ that was purchased with coupons issued under the ongoing program and destroyed in the disaster ~~shall be referred to the certification office responsible for the ongoing program and handled in accordance with Section 63-603.~~

(2) Households shall not be issued replacements if they have received or will receive an emergency coupon issuance for the same time period. (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 271.2 and 7 CFR 274.6.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
In the office of the Secretary of State
of the State of California

JAN 09 1991

At 4:45 o'clock P.M.


MARCH FONG EU, Secretary of State

By Michelle L. Williams
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: Social Services

OAL File No: 90-1210-03


JOHN D. SMITH
Director

01/09/91

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
	Z-090-0817-01	90-1226-03C	90-0813-01E	

For use by Office of Administrative Law (OAL) only

1990 DEC 26 PM 4:21

OFFICE OF
ADMINISTRATIVE LAW
APPROVED FOR FILING

JAN 25 1991

Office of Administrative Law

NOTICE

REGULATIONS

AGENCY
State Department of Social ServicesAGENCY FILE NUMBER (if any)
RDB #0690-26

FILED
In the office of the Secretary of State
of the State of California

JAN 25 1991

At 3:39 o'clock P.M.

MARCH FONG EU, Secretary of State

By Michele Williams
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 90, #35-2	PUBLICATION DATE 8-31-90	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT
	63-090
TITLE(S)	AMEND
	63-301.631, .632, .724, .73, and .74; 63-801.2, .21, .22, and .312; and 63-802.1
MPP	REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

November 22, 1990 to December 7, 1990. Sections 63-301.632, .732, .733; 63-801.212, .221, .222, and .312.

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Rosalie Clark, Chief, Regulations Development Bureau

TELEPHONE NUMBER

445-0313

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Linda S. McMahon

DATE

12-20-90

TYPED NAME AND TITLE OF SIGNATORY

Linda S. McMahon, Director

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 7-90) (REVERSE)

INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

63-090 IMPLEMENTATION OF CATEGORICAL ELIGIBILITY -
FINAL PROVISIONS

63-090

Effective September 1, 1990, the CWDs shall implement the amended provisions in Sections 63-301.631, .632, .724, .73, .74; 63-801.2, .21, .22, .312; and 63-802.12 for all new food stamp applications and continuing cases.

Authority Cited: Sections 10554 and 18904, Welfare and
Institutions Code.

Reference: 7 CFR 272.1(g)(108).

.631 In order to determine if a household will be eligible due to its status as a recipient PA household, the CWD shall be permitted to postpone the food stamp eligibility determination within the 30-day processing standard if the household is not entitled to expedited service and appears to be categorically eligible.

(a) If the PA determination is made within the 30-day processing standard and the household is considered categorically eligible as specified in Section 63-301.7, the CWD shall provide food stamp benefits for the initial month from the date of the food stamp application.

(1) Benefits shall not be provided for any month in which a household is determined ineligible for receipt of PA benefits, unless the household is eligible to participate as a nonassistance (NA) case.

(b) If the PA determination of eligibility is not made by the 30th day, the CWD shall process the application as a NA case using all food stamp eligibility and benefit criteria. However, the CWD shall not deny a potentially categorically eligible household until the 30th day. (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.2(h)(1)(C), (j), (j)(1), (j)(1)(iv), and (j)(2)(iii), 7 CFR 273.10(c)(1) and Court Order re Final Partial Settlement Agreement in Jones v. Yeutter, District Court, California Central District, Docket No. CV-89-0768, February 8, 1989.

Amend Section 63-301.632(a)(2) to read:

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued) 63-301

.632 If any potentially categorically eligible household is denied and later determined eligible to receive PA benefits, the CWD shall provide food stamp benefits using the original application and any other pertinent information occurring subsequent to that application.

(a) The CWD shall not reinterview the household but shall:

(1) Use any available information to update the application; and

(2) Contact the household or its authorized representative by mail or telephone to explain and confirm changes made by the CWD and to determine if any other changes in circumstances have occurred.

(b) If any information obtained from the household differs from that which the CWD obtained from available information or the household provided additional changes in information, the CWD shall arrange for the household or its authorized representative to:

(1) Initial all changes;

(2) Re-sign and date the updated application; and

(3) Provide necessary verification.
(Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.2(h)(1)(C), (j), (j)(1), (j)(1)(iv), and (j)(2)(iii), 7 CFR 273.10(c)(1) and Court Order re Final Partial Settlement Agreement in Jones v. Yeutter, United States District Court, California Central District, Docket No. CV-89-0768, February 8, 1989.

63-301 APPLICATION PROCESSING TIME STANDARDS
(Continued)

63-301

.72 When determining whether a household is to be considered categorically eligible, the CWD shall verify the following factors, only when questionable, as specified in Section 63-300.53.

.721 through .723 (Continued)

.724 The household has not been disqualified or does not include persons who have been disqualified as specified in Section 63-301.73.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.2(h)(1)(C), (j), (j)(1), (j)(1)(iv), and (j)(2)(iii), 7 CFR 273.10(c)(1) and Court Order re Final Partial Settlement Agreement in Jones v. Yeutter, United States District Court, California Central District, Docket No. CV-89-0768, February 8, 1989.

Amend Sections 63-301.732 and .733 to read:

63-301 APPLICATION PROCESSING TIME STANDARDS
(Continued)

63-301

- .73 The following households shall not be considered categorically eligible and are subject to all food stamp eligibility and benefits provisions if:
- .731 Any household member is disqualified for an intentional Program violation as specified in Section 63-805;
 - .732 The household fails to comply with the monthly reporting requirements specified in Sections 63-504.32, and Sections 63-505.2, .3, and .4;
 - .733 The entire household is disqualified because the principal work registrant failed to comply with work requirements as specified in Section 63-407.4/ or voluntary quit requirements as specified in Sections 63-408.1 and .2; or
 - .734 The entire household is disqualified because one or more of its members failed to comply with the the requirements of the optional Food Stamp Workfare Program specified in Section 63-407.91.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.2(h)(1)(C), (j), (j)(1), (j)(1)(iv), and (j)(2)(iii), 7 CFR 273.10(c)(1) and Court Order re Final Partial Settlement Agreement in Jones v. Yeutter, United States District Court, California Central District, Docket No. CV-89-0768, February 8, 1989.

- .74 The following persons shall not affect the eligibility
... of an otherwise categorically eligible household:

.741 through .744 (Continued)

.745 Persons institutionalized in an unauthorized facility as defined in Section 63-402.4; or

.746 Household members, other than the principal work registrant, who are disqualified for failure to comply with work requirements as specified in Section 63-407.4.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.2(h)(1)(C), (j), (j)(1), (j)(1)(iv), and (j)(2)(iii), 7 CFR 273.10(c)(1) and Court Order re Final Partial Settlement Agreement in Jones v. Yeutter, United States District Court, California Central District, Docket No. CV-89-0768, February 8, 1989.

Amend Section 63-801.212 to read:

63-801 CLAIMS AGAINST HOUSEHOLDS (Continued)

63-801

.2 Types of Claims

The CWD shall categorize and account for all claims against households as inadvertent household error claims, administrative error claims or intentional Program violation claims.

.21. Inadvertent Household Error Claims

.211 A claim shall be handled as an inadvertent household error claim if the overissuance was caused by a misunderstanding or unintended error on the part of the household or the sponsor of an alien household. This shall also apply to such errors made by categorically eligible households, provided the claim can be calculated based on a change in net income and/or household size.

.212 Instances of inadvertent household error which may result in a claim include, but are not limited to, the following:

(a) (Continued)

(b) (Continued)

(c) (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.18(a)(1)(ii), (a)(2), and (c)(1)(ii).

Amend Sections 63-801.221 and .222 to read:

63-801 CLAIMS AGAINST HOUSEHOLDS (Continued)

63-801

.22 Administrative Error Claims

.221 A claim shall be handled as an administrative error claim if the overissuance was caused by the action or inaction of any CWD. This shall also apply to categorically eligible households only when the CWD incorrectly determined the household's net income and/or household size ~~resulting in the inappropriate determination of eligibility for Federal AFDC.~~

.222 Instances of administrative error which may result in a claim include, but are not limited to, the following:

- (a) (Continued)
- (b) (Continued)
- (c) (Continued)
- (d) (Continued)
- (e) (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.18(a)(1)(ii), (a)(2), and (c)(1)(ii).

Amend Section 63-801.312(b) to read:

63-801 CLAIMS AGAINST HOUSEHOLDS (Continued)

63-801

.31 Calculating the Amount of Claims

.311 (Continued)

.312 If the household received a larger allotment than it was entitled to receive, the CWD shall establish a claim against the household equal to the difference between the allotment the household received and the allotment the household should have received.

(a) For categorically eligible households, a claim shall be determined only when the amount of the overissuance can be calculated on the basis of the household's net income and/or household size.

(b) For further action required when the overissuance is discovered for a month or months in which any member has already performed a Welfare or work component requirement, see Section 63-407.89.

.313 (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.18(a)(1)(ii), (a)(2), and (c)(1)(ii).

.1 Entitlement

.11 (Continued)

.12 Unless a longer period of time is specified elsewhere in regulations , lost benefits shall be restored for not more than 12 months prior to the earlier of the following dates:

.121 (Continued)

.122 (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.17(a)(1).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In the office of the Secretary of State
of the State of California

JAN 25 1991

At 3:39 o'clock P. M.

MARCH FONG EU, Secretary of State

By Michael F. Williams
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: Social Services

OAL File No: 90-1226-03



JOHN D. SMITH
Director

01/25/91